

OUT OF THE CLOSET

STUDY OF RELATIONS
BETWEEN THE HOMOSEXUAL COMMUNITY
AND THE
POLICE

BY
ARNOLD BRUNER

Report to Mayor Arthur Eggleton
And The
Council of the City of Toronto



City of Toronto

Study of Relations Between the Homosexual Community and the Police

September 24, 1981

His Worship Mayor Arthur Eggleton
and Members of Council
City of Toronto.

Your Worship:

On July 13, 1981, City Council engaged me to conduct a study into disagreements and difficulties between the Metropolitan Toronto Police and the homosexual community and to recommend ways to bring about improved relations.

I am honoured to submit the attached report on my study, which contains my recommendations.

Yours sincerely,

Arnold Bruner

AB:HF

Attach.

TABLE OF CONTENTS

	<u>Page</u>
1. Background	1
(a) Introduction	1
(b) Note on Terms	4
(c) Need for a Sixty-day Study	6
(d) The Staff	6
(e) The Method	7
(f) Investigation	10
(g) Difficulties	12
(h) Content and Aims	16
2. The Law	18
(a) Buggery	19
(b) Assault with Intent to Commit Buggery	20
(c) Gross Indecency	22
(d) Bawdy-Houses	26
3. The Gay Community	32
(a) There is a Gay Community	32
(b) Organization	34
(c) Why Some People Are Gay	39
(d) How Large is The Gay Community?	49
(e) Sex	52
(i) The Downtown Scene	52
(ii) Washroom Sex	53
(iii) Park Sex	55
(iv) Bathhouses	56
(v) A Word About Sadomasochism	60

TABLE OF CONTENTS (cont'd)

	<u>Page</u>
(f) Women in Gay Society	61
(g) "Coming Out"	64
(h) Gay Youth	
(i) In The Family	67
(ii) On The Street	70
4. <u>The Police</u>	
(a) Organization	74
(i) Police Strength	74
(ii) Police Commission	75
(iii) Police Management	77
(iv) Police Organizational Chart	77
(v) Intelligence	79
(vi) Relative Strength of Intelligence and Morality	81
(vii) Community Relations	82
(viii) Police Association	83
(ix) Exclusion of the Gay Community	83
(b) Make-up of the Police	85
(i) Education	86
(c) Training	89
(i) Attitude of Police Toward Themselves and Homosexuals	91
(ii) Police Association	95
(iii) Senior Police	97
(iv) Police Attitudes Observed by Gay Police	102
5. The Ontario Human Rights Code	109

TABLE OF CONTENTS (cont'd)

	<u>Page</u>
6. Relations between the Police and the Gay Community	116
(a) Legacy of the Bathhouse Raids	116
(b) Charges of Harassment	122
(i) Complaints Against Police	123
(ii) Complaints Against the Gay Community	136
7. Gay/Police Relations: Vancouver	140
(a) Official Attitude Toward Gay Community	140
(b) Vancouver's Gay/Police Dialogue	141
8. Gay/Police Relations: San Francisco	147
(a) The City Administration	148
(b) The Police Commission	149
(c) The Police	
(i) Police Liaison	151
(ii) Police Training	152
(iii) Recruitment	155
9. Conclusion and Recommendations	157
A. Communications	159
B. Law Enforcement	163
C. Training, Education & Recruitment	165
D. Opening Channels	170
E. Human Rights	172
F. Social Services	173
G. Joint Community Program	174
10. Summary of Recommendations	176
Appendix	

1. BACKGROUND

(a) Introduction

This is not an inquiry into the police raids of February 5, 1981 on four bathhouses patronized mainly by homosexual men, but it would be sticking one's head in the sand to ignore that this study is a direct result of events precipitated by those raids. Approximately 200 Metropolitan Toronto police in plainclothes and uniform took part in the simultaneous raids following an undercover investigation of six months. As a result, 286 men were charged under the Criminal Code of Canada with being found, without lawful excuse, in a common bawdy-house. Two-and-a-half months later, on April 22, six men, including two residents of the United States, were charged as a result of the bathhouse investigation with conspiracy to possess proceeds obtained from the commission of indictable offences, and conspiracy to keep a common bawdy-house, publish, distribute or circulate obscene matter and selling obscene matter. As a result of what was described a "related arrest", on April 14, another man was charged with keeping a common bawdy-house, which was his apartment, along with several other charges involving a weapon, marijuana,

prohibited sex acts and obscene matter. The later charges followed examination of records seized by police on February 5 in a raid on the offices of two of the bathhouses.

The bathhouse raids were followed the next day by what appeared to be a spontaneous demonstration by homosexual men and women and non-homosexual supporters in protest against the police action. The protesters accused the police of harassment and unwarranted use of force, while the police held that they had acted properly in the performance of their lawful duties.

There had already been an atmosphere of tension and mistrust, heightened by earlier police raids on homosexual enterprises. Further bathhouse raids and demonstrations were to follow. On Saturday night, June 20, 1981, a large demonstration degenerated into violence on Charles Street, about a block from Police Headquarters. Handling of the situation by police was criticized. Charges were laid against an individual police officer by a demonstrator and the police arrested eight people.

Clearly, in the summer of 1981, relations between the police and a segment of the population of the city had reached a point that required action by its elected representatives.

Calls by various groups for a formal inquiry into the bathhouse raids of February 5 had received a negative response from the Solicitor General of Ontario, Roy McMurtry. On February 26, 1981, Alderman Pat Sheppard of Ward 9 and Alderman David White of Ward 1 presented to Council a Report on Police

Raids on Gay Steambaths, which concluded that under the "extraordinary circumstances", as presented in the report, "it is vital that the charges, counter-charges and the background behind these raids and subsequent events be examined by an impartial inquiry."

City Council adopted the following motion:

It would also be most appropriate and timely for the Inquiry to comment on relations between the Police and the Gay Community and to recommend how these relations might be given to revising Police policies to make an explicit statement regarding no discrimination on the basis of sexual orientation as well as the establishment of an ongoing and permanent liaison between the Police and the Gay Community.

On March 12, 1981, Council adopted a resolution that Dr. Daniel G. Hill "be approached to look into the disagreement and difficulties surrounding relations between the Police and the Gay Community and that he submit a report to His Worship the Mayor and City Council recommending ways to bring about improved relations..."

Dr. Hill, accordingly, was approached to undertake the study. At that time he informed Mayor Eggleton that if he decided to do so, he would ask that I be engaged as his associate. Subsequently, Dr. Hill felt that his other commitments would not permit him to undertake the work at that time. He recommended to the Mayor that I be approached to conduct the study.

We were aware that the success of such a study depended on the co-operation of both the gay community and the Metropolitan Police. Consequently, a meeting of seven leading members of

the gay community was arranged by the Rev. Brent Hawkes at the Metropolitan Community Church at 730 Bathurst Street. The group later issued a formal statement that they would co-operate with the study.

I also met with Chief Jack Ackroyd in his office. He stated that he would co-operate with the study in the interest of bringing about better police-gay relations, but would have to seek legal advice before answering questions about the bathhouse raids. At that time, in addition to the criminal charges that were before the courts, the bathhouse proprietors had initiated civil actions seeking damages as a result of the raids.

On the basis of the pledges of co-operation from the police and the gay community, on July 9, the mayor recommended to the Executive Committee of Council that I be appointed and that it approve a budget I had submitted earlier. This recommendation was accepted, and was approved by City Council on July 13 by a vote of 18 to 3:

That Arnold Bruner be engaged by City Council to look into the disagreement and difficulties surrounding relations between the Police and the Homosexual Community and that he submit a report to His Worship The Mayor and City Council, recommending ways to bring about improved relations.

(b) Note on Terms

The careful reader will have noticed that the motion of February 26 uses the term "Gay Community", while the recommendation approved July 13 refers to the "Homosexual Community". Indeed, this study gets its official name from that terminology.

I have heard objections to the use of the term gay to describe homosexuals on the ground that gay means joyful, lively and carefree and, therefore, does not accurately describe all homosexuals.

However, it is also true that gay people of all moods refer to themselves as gay and wish to be referred to as gay, exactly as blacks of all skin tones refer to themselves as black and wish to be referred to as black.

I find this the stronger argument. The terms gay and gay community will be used throughout this report, although the word homosexual will be used when the context calls for it. Gay refers both to men and women, in context, although lesbian also will be used frequently.

The budget approved by Council called for a total expenditure of \$22,500 plus office space in City Hall, essential office equipment and secretarial support. We took possession of the office assigned to Dr. Hill as adviser to the Mayor's Committee on Community and Race Relations, and of the Committee's secretary, Helen Fernie. It is a tribute to Miss Fernie that she had no difficulty adjusting from the pace of her normal duties, which she managed to continue, to the hectic schedule imposed on her by this study on short notice.

The budget allowed a fee of \$250. a day for my services, \$60. a day for a research assistant, up to \$900 in local expenses

(15 a day), \$2000 for travel expenses mainly to permit trips to San Francisco and Vancouver, and \$1000 for outside consultation.

(c) Need for a Sixty-Day Study

Nearly five months had passed since Council had decided that it would be appropriate to look into the relationship between the police and the gay community. It was my view that a study of this nature was long overdue and that it should be completed as quickly as possible. Mayor Eggleton and Dr. Hill were of the same view.

I estimated that by using an approach that combined journalistic and academic methods of inquiry and information-gathering, no more than 60 working days would be required to gather, assimilate and analyze the pertinent facts and produce a report containing conclusions and recommendations. I believed the report could be in the hands of the Mayor and Council by mid-September.

(d) The Staff

Because of the time constraints and the volume of the task, there was little time to enter into a lengthy hiring procedure to fill the position of research assistant. Fortunately, my son, David Bruner, had recently returned from England after completing studies at the London School of Economics where he obtained a Bachelor of Laws degree (LL.B.) in addition to an

M.A. in Political Theory from Durham University, England, and a B.A. in Political Science and Economics at the University of Toronto, and he was able to fill the position. The study was also fortunate to have the services of Carole Bruner, my wife, an unpaid volunteer, who assumed management of the office and appointments and without whom the study could not have been completed in the allotted time.

(e) The Method

The study included dozens of personal interviews by me and the staff with individuals and groups, "field trips" to gay establishments, meetings and functions, a police patrol, written briefs, frequent consultations with Dr. Hill, compilation of documents, journalistic and academic articles, previous public reports and one community meeting.

Among those interviewed were men and women who are gay activists, gay men and lesbians who are not activists, including some who consider themselves representatives of the closeted "silent gay majority"; politicians, including Attorney General and Solicitor General Roy McMurtry, Metro Chairman Paul Godfrey, Mayor Arthur Eggleton and the former mayor, John Sewell; Judge Philip Givens, chairman of the Board of Police Commissioners; Policemen, including Chief Jack Ackroyd, senior members of his staff and uniformed officers and the President of the Police Association, Paul Walter; former policemen who are gay; civil libertarians, including Alan Borovoy, General Counsel, Canadian Civil Liberties Association; sociologists and experts in the criminal law.

In most cases, the staff accompanied me on local field trips so that everyone working on the study would share as far as possible the gain in experience and education. These trips included a tour of gay bars, after-hours dance establishments and bath houses in Toronto, San Francisco and Vancouver. In Toronto, we also surveyed the "park scene" and investigated surveillance techniques in some washrooms, attended meetings of gay youth and gay fathers, and a gay picnic on Toronto Islands, and spent hours on a dark beach to check a story of police harassment. I went on a patrol and walked part of the downtown beat on a weekend with Staff Sergeant Brian Cove-Shannon, a supervisor in 52 Division's Area Foot Patrol. In San Francisco we attended a 10-hour gay/lesbian awareness program for police recruits and met a member of the Police Commission, who is a lesbian, and aides to the mayor who are gay, and toured a combined gay/heterosexual bathhouse, which men and women attended together. In Vancouver, we attended a "gay play" in which actress Pat Bond gave a dramatic account of a lesbian's growing pains, and a gay show in which all the "women" on stage and some in the audience were men "in drag".

I had considered whether to call at least one public meeting. A number of factors made it impractical: the lack of time for organization, lack of provision in the budget, and the serious reservations of gay community leaders who felt

that few gay people would attend out of fear of exposure by television news coverage and the possible presence of undercover police. The fear that police were gathering intelligence on individuals in the gay community, whether justified or not, was particularly noticeable following the bathhouse raids.

I informed the community leaders that I would insist that any public meeting called by me would be totally open to all members of the public, including the media. Consequently, the community decided to organize a meeting of its own and invite me to address it and receive briefs from various organizations. These briefs were added to those already received at my request, which were hand-delivered during the mail strike to several gay and non-gay organizations.

A cross-section of the community was brought together on August 18 in a meeting at Jarvis Collegiate. About a dozen groups presented briefs, some of which were extensively researched and detailed. I was informed that this was the first major effort of a recently formed umbrella group, the Gay Community Council.

Every effort was made, as well, to acquire as much knowledge and education about the police as could be obtained within the limited time and in the view of the security aspect of police work.

Chief Ackroyd immediately made available a high-level officer as liaison to this study -- initially, Staff Superintendent John Ward and subsequently Staff Superintendent

Eric Wright. With their aid, I had open and frank discussions with Staff Inspector Don Banks, in charge of intelligence, Staff Inspector Forbes Ewing, in charge of morality, and was able to meet and seek information from various other police officers, and to visit the Metro C.O. Bick police college and speak to members of the training staff. In addition, I was given a prisoner's eye-view of 52 Division, including the holding cells and interrogation rooms.

At all times, Chief Ackroyd made himself available.

(f) Investigation

It was tempting to investigate each of the allegations that were made by members of the gay community and the police during the study, to trace every reported incident of relevance to its primary source and to follow each lead that presented itself as the study developed. It was also recognized that the "disagreement and difficulties" affecting relations between the police and the gay community are frequently the symptoms of deep-seated prejudices on both sides, the effect of psychological factors, of social conditioning, of religious and philosophical beliefs.

Obviously, the study commissioned by the City of Toronto was never intended to be a deep socio-psychological probe of these areas. Based on the experience of this study, I believe a study of that kind is both timely and necessary and should be conducted by a team of experts in a university

setting. This study had neither the expertise, the time nor the resources. What was required at this stage was a quick and accurate assault on the problem to create a platform of greater tolerance and understanding upon which a durable solution may be built.

Nor was there the time or the resources to produce the kind of evidence of abuse, harassment and ill-will that would stand up in a court of law.

Nevertheless, wherever possible, allegations of harassment were thoroughly investigated and the authenticity of individual testimonials were checked. However, the point is not the quality of these reports; their persistence and numbers -- and the drumming repetition of them -- confirm the existence of the problem.

At the same time, the study has declined to recognize accounts that could easily have been verified by such documentary evidence as a letter or a court transcript, or such information as a place, time or name, but which was not turned over to the study when asked for. However, confidentiality, when requested, has been scrupulously respected and we have guarded the identity of any person who gave his or her

name to the study on that understanding that it would not be made public. At the same time, interviews and communication with public officials and senior officers were deemed to be for the record.

(g) Difficulties

The commission of this study was greeted in some quarters with cynicism, pessimism and negativism.

The cynicism, expressed by some members of the gay community, stemmed from a suspicion that the study was a political ploy, designed to silence the outcries for an official inquiry into the bathhouse raids and whitewash the entire issue. It was also suggested to me that Mayor Eggleton had engineered the study to receive a neutral or "wishy-washy" report over which he had censorship powers -- and that if he could not get what he wanted, he would suppress the whole thing.

To those cynics I have said, and now confirm with this report, that there has been absolutely no interference with the manner in which I have conducted this study. I have received no instructions from any source with regard to my investigations, conclusions or recommendations. My only terms of reference are those contained in the broad and simple statement approved by City Council on July 13 as cited above. It is possible that there are politicians who would hope to use a study of this kind in the manner suggested, but even if such a wish had been communicated it would have had no effect on me or this report

whatsoever. No politician has seen this report nor has been told of its final recommendations in advance of its delivery. Any possibility of this was to be eliminated by my handing the final draft at the same time to the Mayor and the members of City Council through Alderman Pat Sheppard, Chairman, Neighbourhoods Committee, as directed by Council. I have retained a true copy.

The gist of the pessimism is that the report would be left to gather dust. My view from the beginning has been that the purpose of the study has been to initiate action in an area of public concern -- to make an objective examination of a problem, uncover its origins and suggest solutions. I have sought to make recommendations that are practical, fairly simple to implement, and will be perceived by the gay community, the police, government leaders and the public as logical, sensible and fair to everyone.

But the body of recommendations is like a vehicle waiting for a motor. The engine that will make it go is good will on all sides -- that sense of fair play that enables a person to appreciate somebody else's point of view. I have proceeded on the assumption that there exists in our community a fundamental sense of fair play, and that once practices and attitudes toward any group in our society are seen to be unfair or unjust, the community draws on its reservoir of good will to make amends.

This is in perfect harmony with our long tradition in Ontario as pioneers in safeguarding the human rights and civil liberties of our citizens -- a tradition that has served as a model for the rest of Canada.

The area of this study that has troubled me most has been the limitations on the questions I could ask about circumstances of the bathhouse raids of those in the best position to answer -- the police, the Crown Attorney and the Attorney General. The problem was one of the credibility of the study. As I have stated, this is not an inquiry into the raids, but the raids led to this study and cannot be ignored. At the same time, the raids have resulted in criminal actions and lawsuits that are now before the courts and there is a danger of prejudicing the hearing of those cases through public discussion.

It was Dr. Hill's view that any matter "directly" before the courts could not be discussed, but any other aspect of the police action and activities were legitimate matter for consideration.

To determine what matter was considered to be "directly" before the courts, I sought the advice of Professor Alan Mewett of the Faculty of Law, University of Toronto, a recognized expert on criminal jurisprudence and the law of evidence. His response was straightforward and uncomplicated: In any criminal matter before the courts, one may not discuss the guilt or innocence of those charged, nor the evidence that will support their guilt or innocence.

Another opinion was voiced by Alan Borovoy, General Counsel, Canadian Civil Liberties Association. In his view, the public was entitled to such information as at what level

in the criminal justice system the investigation was initiated, who in the system knew of the action in advance and who gave the final approval. Particularly, Mr. Borovoy felt it was important to know why so many police were necessary and why so many people were charged as found-ins in an action stated to be aimed at organized crime, when, he said, it was necessary only to arrest the owners and operators. He felt that the number of charges was unnecessary even if the aim of the police was to establish that the baths were being kept at common bawdy-houses. None of these areas, he contended, were matters before the court.

Early in the study, Chief Ackroyd told me and later stated publicly that he would discuss the bathhouse raids only after seeking the advice of counsel. Soon afterward, I raised the issue with Howard Morton, Director, Crown Law Office, Criminal Law Division, Ministry of the Attorney General. He warned that the areas I sought to touch on were related to evidence, but invited me to submit a list of questions for Chief Ackroyd so that guidelines could be drafted. Rather than do this, I raised the issue finally with the Attorney General, Mr. McMurtry, and submitted a list of questions for consideration. Mr. McMurtry assured me that neither he nor any official in his ministry knew of the raids before they were carried out. The questions were relayed to Mr. Morton for his consideration. His reply through David Allen of Mr. McMurtry's office, was that the questions either had been answered (a reference to

"What officials knew of the raids before they were carried out?") touched on evidence, were "a post mortem of the raid" or were outside the scope of the study and therefore were not answered.

I deal with the effect of the bathhouse raids in the section on Relations Between the Police and the Gay Community.

(h) Content and Aims

This report is made up of 10 sections:

1. Background
2. The Law
3. The Gay Community
4. The Police
5. Human Rights
6. Relations Between the Police and the Gay Community
7. Gay/Police Relations: Vancouver
8. Gay/Police Relations: San Francisco
9. Conclusions and Recommendations
10. Summary and Recommendations

While no section is more important than any other, with the possible exception of the last, I feel that the sections on The Gay Community and The Police should be emphasized. Their purpose is to be informative -- to open a window on two groups that exist in the minds of most people who are neither gay nor police only as stereotypes. This is particularly true of the notions about gay people. And stereotyped misconceptions persist to a remarkable degree in the way the two groups see each other.

In my opinion, it is vital in this latter part of 1981 to dispel stereotyped images and myths that nurture fear and misunderstanding and feed bigotry and hostility. I believe that the factual accounts presented here will help to do this and set the stage for the latter part of the report, which calls for a change of heart, as well as mind.

About the title: "Out of the Closet" is a common term meaning that a person who has hidden his sexual preference in the past, has now proclaimed to the world that he or she is gay. In my view, the issue of dealing with the gay fact in our community emerges fully "out of the closet" with this study and report.

The report will make observations about two other cities that have brought the issue out of the closet, Vancouver and San Francisco. As their mayors, Mike Harcourt and Diane Feinstein, have stated: the issue is not sex, it is human beings.

Perhaps we have dwelt far too long on the intimate acts preferred by certain people to have noticed that they are, first of all, people.

2. THE LAW

The relationship between the police and the gay community is one of social interaction -- but the stage upon which this relationship is enacted is the law. Because the law is what it is, these two dissimilar groups come together in a state of confrontation. The purpose of this section is -- so to speak -- to set the scene: to clarify as far as possible those areas of the law where police and the gay community most often clash and are most likely to clash. It will become apparent that the sexual offences sections of our Criminal Code are relics of a past era that are often vague in their meaning and open to various interpretations. They are, further, an area of the law that is being considered for amendment by the Parliament of Canada and subject to intensive debate among lawyers in professional journals and in the courts of law.

Canadian criminal law governing sexual behaviour has its roots in late Victorian England. English sexual offences originated in biblically based, ecclesiastical law. The mores upon which they were based persisted in judge-made common law and in the ad-hoc responses of Parliament to social problems that accompanied industrialization and urbanization.

By Section 92 of the British North America Act the power to enact, amend or repeal criminal law is reserved for the Federal Government. The prosecution of the law is in the hands of the provincial attorneys general. Canada's first criminal

enactment in 1869 contained a number of sexual offences taken verbatim from the English.¹ It included the offences of buggery, assault with the intent to commit buggery, and indecent assault.

The offence of gross indecency was introduced in 1890, and in 1892 "bawdy-house" laws were passed in an attempt to discourage the practice of prostitution.

(a) Buggery

Originally the offence of buggery was described as "the abominable crime of buggery committed either with mankind or with an animal". A person convicted of the crime was liable to imprisonment for a minimum of two years to life. The law has undergone relatively minor changes in its 112 year history. Today, section 155 of the Criminal Code of Canada states: "Every one who commits buggery or bestiality is guilty of an indictable offence and is liable to imprisonment for 14 years".

Buggery has never been defined in the Criminal Code or in any Canadian decision. According to English authority the offence of buggery comprehends both sodomy and bestiality, although Canadian law refers to them separately. Sodomy is "the carnal copulation against nature by human beings with each other". In particular, it is "carnal knowledge per anum by a man, of any man or woman".

Both parties to the act can be liable and consent of the other party is immaterial to the commission of the offence under Section 155.

However, since 1968, by Section 158 of the Criminal Code, buggery is not prohibited when it is committed in private between a married couple, or two consenting adults over the age of 21.

In 1978, the Canada Law Reform Commission in its report on Sexual Offences², recommended the repeal of Sections 155 and 158. It felt the prohibition of homosexual acts, carried out in private between consenting adults under the age of 21, was unjustified. It recommended that prohibitions be maintained in circumstances where the acts are carried out in coercive situations, where they involve children, or where they are done in public, but felt acts in these circumstances could be dealt with under proposed sexual assault provisions and by existing laws against public indecency.

Bill C-53, a proposed amendment to the Criminal Code "in relation to sexual offences and the protection of young persons...given first reading in January, 1981 included these recommendations.

(b) Assault with Intent To Commit Buggery
Indecent Assault on Male by Male

A related offence to buggery, assault with the intent to commit buggery and the offence of indecent assault on a male by a male are grouped together in section 156 of the Criminal Code. A person convicted of either offence is liable to a maximum 10 years imprisonment, twice the maximum penalty prescribed for an indecent assault on a female.³

In 1869 both offences, in theory, could be committed by a female. In 1886 the law was changed so that only a male could indecently assault another male, thus creating, on the face of it, Canada's only exclusively male homosexual offence. Since 1953 only a male can commit an assault with the intent to commit buggery. A provision for whipping in the event of a conviction for either offence was introduced in 1892 and only removed in 1972.

Both offences require an "assault" which is defined in section 244 of the Criminal Code as involving in essence the threat or use of force. Therefore the consent of the complainant is a defence to the crime, although a minor is not capable of giving consent.

In the case of an indecent assault, the assault must be accompanied by circumstances of indecency. Although "indecency" is not defined in the Code case laws suggest that probably any sexual contact between a male and another male is potentially indecent. The meaning of "acts of indecency" is considered more fully in the discussion of bawdy-house law.

According to the Law Reform Commission of Canada, "A charge of indecent assault is more commonly used where homosexual acts with children and adolescents occur."

Bill C-53 proposes the repeal of section 156. Indecent assault and assault with the intent to commit buggery would both fall within the proposed sexual assault provisions where the defence of consent would be expressly mentioned. The Canada

Law Reform Commission recommended that sexual assault be defined as sexual contact with a person without that person's consent. Sexual contact "includes any touching of the sexual organs of another or the touching of another with one's sexual organs that is not accidental and that is offensive to the sexual dignity of that person". However, the Federal Government has chosen not to define sexual assault in Bill C-53.

(c) Gross Indecency

When the offence of gross indecency was first proposed by law-makers in England, it was suggested that the offence extend to acts between females. The story goes that Queen Victoria rejected this with one word: "Impossible".

In 1890 it became an offence in Canada "...for every male person who, in public or in private, commits any act of gross indecency with another male person". The penalty was a maximum of five years imprisonment with a provision for whipping. Since 1953, by section 157 of the Code, "Everyone who commits any act of gross indecency with another person is guilty of an indictable offence and is liable to imprisonment for five years." (emphasis is mine). Therefore, the offence, which was originally restricted to male homosexual acts, now encompasses lesbian and heterosexual acts.

In 1968, the Manitoba Court of Appeal⁴ in considering Parliament's intention when it widened the offence, said:

That women as well as men should be answerable for acts of gross indecency may well have seemed reasonable to Parliament in view of modern recognition of equality between

the sexes. Depending upon the time, place and circumstance it is no doubt possible to commit an act of gross indecency with a female...(for example where a woman performs an act of fellatio with a man, but she is not a willing participant)⁵ ...and for a female to commit an act of gross indecency with a male, e.g. an adult woman with an innocent male child.

The court did not think the offence extended to most heterosexual acts between consenting adults. "It would require words much plainer than appear in Section 149 (now Section 157) to persuade me that Parliament suddenly decided to enter the portals of the home and to require courts to pass judgment upon what passes in private between consenting adult spouses or persons living together, whether married or not, and for that matter, upon any heterosexual act (save of course buggery) done in private between consenting adults." (emphasis is mine).

In 1968, Parliament, heeding Prime Minister Trudeau's declaration that the State had no business in the bedrooms of its citizens, enacted Section 158, which said the laws prohibiting acts of buggery and gross indecency did not apply to any act committed in private between two consenting adults.

This was interpreted by the judiciary as protecting homosexuals in circumstances in which similar acts performed by heterosexuals were already considered lawful. In an unreported decision of the Ontario Provincial Court⁶ before Judge Charles, the Court said,

...it is my considered opinion that no one would seriously contend that a sexual act, between consenting adults of the opposite sex, in a private home, could be considered grossly indecent. An act of gross indecency, as contemplated by the Code, includes any act between homosexuals whether done in private or in public. (emphasis is mine)

In its Report on Sexual Offences, the Canada Law Reform Commission notes that charges of gross indecency have been mainly against adult males committing homosexual acts in public places.

The term "gross indecency" is not defined in the Code. Nor has there ever been a satisfactory definition in the case law.

In R. v St. Pierre⁷ the Ontario Court of Appeal said that a jury should be given dictionary definitions of "gross" and "indecency" in the absence of Code definitions and then left to determine whether the act is one of gross indecency.

In R. v St. Pierre (1974)⁸ the same Court approved in part the definition of gross indecency as "a very marked departure from the decent conduct expected of the average Canadian", but added: "In determining whether the conduct of the accused was a very marked departure from decent conduct, it would have been of great assistance to the jury to have been apprised by an admittedly qualified expert as to sexual practices being carried out in this country which are not regarded by many as abnormal or perverted."

For the exemption to the prohibition of acts of gross indecency to apply, the acts must be in private. Section 158 adds that "an act shall be deemed not to have been committed in private if it is committed in a public place, or if more than two persons take part or are present". A "public place" includes any place to which the public have access as of right or by invitation, express or implied".⁹

25

Given the broadness of the definition of "public place" and the fact that it is not exhaustive¹⁰ there would appear to be few places one could say with certainty constitutes a private place in law. In R. v P.¹¹ the Manitoba Court of Appeal held that an act performed by a woman and man in their brightly lit kitchen at 2:30 a.m. was performed in private notwithstanding a third person was present, but in drunken oblivion, and that police officers viewed the act through a glass window in the door.

But in R. v Hogg¹² the Ontario Court of Appeal held that a locked cubicle in a subway washroom into which the public could see is a public place. Another Court held that an alcove used by the staff of a public beach late at night was a public place because the alcove was open and accessible to people, day and night.¹³

The Canada Law Reform Commission has recommended the abolition of the offence of gross indecency. for the same reason it recommended the abolition of the offence of buggery.

However, the Federal Government proposed in Bill C-53 to re-enact the offence of gross indecency. The penalty would remain the same. But the exception to the prohibition would be broadened in two ways. The age of consent would be lowered from 21 to 18. Secondly, the wording "any two persons" would be dropped and changed to "persons". In addition, the section would be dropped that says an act is not committed in private if two or more persons take part or are present. Therefore,

group sex among consenting adults in private would not be an act of gross indecency. However, the definition of a public place would remain the same and the Code would continue to omit a definition of a private place.

(d) Bawdy-Houses

Canada's bawdy-house laws date back to 1892. According to the New Webster Dictionary the word "bawdy" is derived from the Old French term "baud" which means bold or wanton. A "bawd" is a prostitute or a person who keeps a house of prostitution or acts as a go-between in illicit relations.

Professor Alan Mewitt of the Faculty of Law, University of Toronto, said in an interview that the original purpose of bawdy-house laws was to control the practice of prostitution. "We have now strayed away from that original concept to sexual encounters of any sort."

In the present Code a "common bawdy-house" is defined in Section 179 as "a place that is (a) kept or occupied, or (b) resorted to by one or more persons for the purpose of prostitution or the practice of acts of indecency".

By Section 193: "Every one who keeps a common bawdy-house is guilty of an indictable offence and is liable to imprisonment for two years. Every one who is an inmate of a common bawdy-house, is found without lawful excuse in a common bawdy-house...is guilty of an offence punishable on summary conviction."

The word "place" is defined widely to include places that are open or enclosed, used temporarily or permanently (Section 174).

According to case law, the requirement that the place be "kept or occupied" or "resorted to" means that there must be evidence showing frequent resort to, or habitual use of the place for the illegal purposes.¹⁴

Where prostitution is not alleged, (it is not alleged in the current bathhouse cases) the Crown must prove that the place in question was resorted to habitually for the practice of "acts of indecency". There is no definition of "acts of indecency" in the Code.

In R. v La Liberté¹⁵ the Quebec Court of Appeal defined an indecent act as "an act that offends the general standards that decency permits". The Court held that masturbation practiced by a female on a male for payment in a "massage parlour" was an act of indecency and, therefore, the place resorted to for that purpose was a common bawdy-house.

In R. v Pitchford¹⁶ Judge Cadsby said: "In consideration what is an indecent act the question to be considered is whether the acts being practiced result in conduct which will corrupt public morals." The Court held that a "swinger's" club which advertised and operated weekly parties in the home of its male and female "proprietors" for the purpose of recreational sex between its members was a common bawdy-house. "Recreational sex between virtual strangers, exchanging partners, I find lewd

and indecent conduct of the type historically carried on in a disorderly house. While the public might not object to dogs fornicating in public, when it comes to men and women, the public have different and higher standards."

A different approach was taken in R. v Mason¹⁷ on similar facts. In determining whether group sex performed in the defendant's home was indecent, Judge Charles asked, "Would this offend the average reasonable person in Canada having regard to prevailing contemporary community standards? Or would the average Canadian person be indifferent to such behaviour? Or would he just tolerate it? If it could be tolerated by the average reasonable person in Canada, then the Crown would have failed to discharge the burden of proof."

The Court held that group sex between heterosexuals in private did not offend community standards of tolerance. It reasoned that the public would find certain acts personally offensive but would nevertheless tolerate them if others engaged in them.¹⁸

In R. v Hislop¹⁹ five persons were charged with keeping a common bawdy-house in connection with the operation of the Barracks, a bathhouse frequented by gay men primarily for sex. There was no allegations of prostitution. In finding two of the five persons guilty as charged the Court held that the Barracks was a place resorted to for the practice of acts of indecency because, "Patrons attending, did so in the knowledge

that acts would be observed and in the hope and expectation that others would join them." The Court said that in the circumstances, the acts offended community standards of tolerance, although homosexual acts per se, did not.

In R. v Franco which at the time of writing is still before the courts, the issue to be decided is whether the defendant kept a common bawdy-house in his own home by advertising in a gay publication for partners to engage in sado-masochistic practices. (The ad was answered by an undercover policeman.)

The Crown has argued that because the defendant advertised for partners, the alleged acts occurred in public. Section 138 defines a "public place" as including "any place to which the public have access as of right or by invitation, express or implied." This, together with the nature of the acts in question, it was argued, offended community standards of tolerance.

In its legal submission, the defence argued, among other things, that in determining whether any act is indecent one must have reference to the time, place and other relevant circumstances to ascertain whether the relevant community standard has been exceeded. The defence submitted the relevant circumstances were that the alleged acts occurred in the privacy of the accused's home between two consenting adult persons at any given time.

The law does not say expressly that a place habitually resorted to for the practice of acts of indecency be a "public place". But the view that a sexual act, performed in private can constitute an act of indecency, can lead to some anomalous results.

A private bedroom could be a common bawdy-house because unconventional sex is performed there habitually. But different hotel rooms used for the same acts are not.

An act, for example buggery, which has been held to be "inherently indecent", is not unlawful under Section 157 if performed in private between consenting adults over the age of 21. But the act can transform a private bedroom into a common bawdy-house if it is performed there habitually.

In the Franco case, the Crown's argument seems to imply that if the act in question had been one of gross indecency, it would have been exempt from criminal liability, but as it was merely an act of indecency, it is not.

The defence counsel, Clayton Ruby, argued that the law is not such an ass. He argued that Parliament never intended sexual acts committed in private between consenting adults to be acts of indecency. He cited Section 158 of the Code. If Mr. Ruby's argument is upheld, a place where sexual acts are performed in private between consenting adults would never be a common bawdy-house. However, as the Franco case illustrates, it is open to the Crown to argue that one's home is not a private place, given the wide definition of a public place in the Code and the absence of a definition of a private place.

It would be helpful if Parliament were to give the Code a positive definition of a private place or of what constitutes privacy. The present one, that a private place is not a public place, puts this area of the criminal law in a state of uncertainty.

Failing this, it would appear to be appropriate for the Attorney General to fill the vacuum by setting guidelines for the police and Crown Attorneys, as apparently has been done in British Columbia, and in San Francisco. (See Sections 7 and 8.)

1. See generally Gigeroff, "The Evolution of Canadian Legislation with Respect to Homosexuality, Paedophilia and Exhibitionism", 8 Cr. L.Q. 445.
2. No. 22, 1978
3. See Criminal Code Section 149
4. In R. v. P. (1968) 3 C.R.N.S. 302, at pp.317-318
5. See R. v. LeFrancois, (1965) 4 C.C.C. 255, 47 C.R. 54 (Man. C.A.)
6. R. v. Mason, unreported, Ontario Provincial Court Decision, March 4, 1981, p.12
7. R. v. St. Pierre 7 C.C.C. (2d) 307
8. R. v. St. Pierre (1974), 17 C.C.C. (2d) 489 at 496
9. Section 138 Criminal Code
10. R. v. Goguen (1977), 36 C.C.C. (2d) 570,
11. See note 4
12. R. v. Hogg (1970), 15 C.R.N.S. 106 (Ont. C.A.)
13. See note 10
14. Patterson V. The Queen, (1968) 2 C.C.C. 247 (S.C.C.); R. v. Evans (1973), 22 C.R.N.S. 32 (Ont. C.A.)
15. (1973), 12 C.C.C. (2d) 109
16. Unreported Ontario Provincial Court decision, February 11, 1981
17. See Note 6
18. See R. v. Prairie Schooner New Ltd. and Powers (1970). 1 C.C.C. (2d) 251
19. Unreported Ontario Provincial Court decision, June 12, 1981

3. THE GAY COMMUNITY

(a) There is a Gay Community

The question of whether the gay population of Toronto constitutes a community or a valid minority is usually raised as an argument for granting or denying gay people that status of a legitimate group in our society. Sociologists disagree on the definition of a community, but this has not deterred laymen from voicing their personal opinions. For example, Cardinal Carter, on page 8 of his 1979 report on police/minority relations, states that homosexuals should not be the object of vilification or harassment (by the police) and also says:

"Nor do they, in my judgment, constitute a community which may legitimately demand special consideration."

No reasons for this conclusion are given.

More recently, Paul Walter, president of the Police Association was quoted in the Globe and Mail of August 29, 1981 as saying:

The majority of the members of the Metro Toronto Police Association have grave concerns about recognizing homosexuals as a legitimate minority with status under human rights legislation.

Reasons are not given for the conclusion reached by this group which is made up of police up to the rank of staff sergeant.

I asked sociology academics if they could provide a definition of a social community and relate it to the gay population.

Professor Ray Morris of the Department of Sociology, York University, stated that the characteristics of a community include a common identity, common goals and common distinguishable features. It is an organized group (unlike teenagers and senior citizens, for example) and therefore has a system for communication among the members.

Dr. Morris was of the opinion that Toronto's homosexuals probably constitute a community. He had reservations about the lack of a specific territory, but allowed that the "Jewish community" or the "Italian community" are accepted without a specifically defined territory.

Dr. Daniel Hill similarly defined a community as a group of people with common goals, common interests, shared characteristics and interlocking institutions, who are tied together by a communications system. He accepted, without reservations, that the gay population in Toronto is a legitimate community.

Professor Jeffrey Reitz, Chairman of the Department of Sociology, University of Toronto, stated that a community is a particular group or collection of people whose members share a sense of belonging. A community may be a group of people who have a common interest to defend. On this basis, the gay population, in his opinion, would be a community, but he emphasized that the identification as such is not necessary to give a group legitimacy -- particularly as a basis for giving it protection under human rights legislation. Women,

for example, are protected against discrimination on the basis of their sex although no one insists that they must first achieve recognition as a community. Neither are they a minority. Gay people, in Dr. Reitz's opinion, have become more of a community precisely because they are drawn together by a hostile environment that seeks to deny them legitimacy.

I accept the logic and the findings of the scholars. Toronto's gay community is a community in fact. This section, which is a profile of Toronto's gay population, will reveal a highly diverse group -- but a group bound together as a community by a common identity, common goals, a common interest to defend; a well-organized group with an increasingly sophisticated system of interaction and communication, growing in economic and political strength.

(b) Organization

The readers of Body Politic are almost exclusively gay. A survey conducted by the 10-times-a-year tabloid-style newspaper and published in the September 1981 issue showed that of 502 people who responded only six said they were "straight". That is understandable, since the Body Politic styles itself "a magazine for gay liberation". It is an open window into the gay community of Toronto for anyone else who would care to look.

Of more than passing interest is a feature called "Out in the City" containing four-and-a-half pages of events and

services available to the gay population of Toronto and visitors. The list of community services in the September issue contains the following:

- 32 organizations for social and political action;
- 9 organizations providing health and social services;
- 4 organizations providing professional services;
- 4 organizations providing religious services, Roman Catholic, Anglican, United Church and Metropolitan Community Church;
- 5 organizations devoted to sports;
- 4 gay publications;
- 14 organizations providing "women's resources" available to lesbians.

In addition to the total of 74 listed community organizations, the feature lists 7 gay restaurants, 14 gay bars, 4 gay bathhouses and 3 gay discotheques. Recently, about two dozen gay organizations formed a co-ordinating body called the Toronto Gay Community Council.

During the last week of August and first of September, the Cabbagetown Group Softball League was host to the Gay Softball World Series, made up of teams from Toronto and 10 U.S. cities and which brought about 700 gay athletes to Toronto.

This recitation of facts and figures may be merely a surface glance at the depth of organization and co-ordination within the gay community. An example is the Right to Privacy Committee, which was organized on December 9, 1979 to raise a defence fund for those arrested in the first raid on the Barracks bathhouse. The next stage in its development was precipitated by the bathhouse raids of February 5.

According to its chairman, George Smith, membership after the raids leaped from 200 to 1,200. At the time of the interview in mid-July, he stated that funds were being received at a rate of \$1,000 a week. A financial report published in the committee's monthly Action! states that \$67,869.84 was raised up to June 30, 1981.

The committee, established as a trust fund, has as its main objects the raising of funds for the legal defence of gay men charged as found-ins and keepers of bawdy-houses under the Criminal Code, to provide counselling and support services, and to campaign for changes in the law that would preclude such arrests.

The committee is made up of a series of sophisticated committees and sub-committees. About 100 members devote all their spare time to committee work, according to Mr. Smith, and include doctors, lawyers, media experts and artists. Membership information, including skills, areas of expertise and other useful data is stored in a computer, which also groups members according to where they live. The legal committee co-ordinates the work of 60 lawyers and has a sub-committee of six lawyers who advise on legal proceedings. This committee also prepares briefs and organizes street patrols and self-defence strategy.

It would appear that the organizational infrastructure of the gay community, the growing number of gay persons who are becoming active in community work, and the resources in

skills and economic strength upon which it may draw, indicate a political force in-the-making.

The Body Politic poll indicates an unusually well-educated group. More than 80 percent of the men and women who responded had some university education and about a third had post-graduate degrees. While this is not a reliable statistical measure of the level of education among gay people, a proportionately high rate of education among gay people is generally accepted. One reason for this is said to be the opportunities for education that can be taken by single males. Education, the favoured position of men in the work place, the absence of family responsibilities, the combined incomes of two such men who form a household, all add up to a high level of disposal income.

Much of this income is spent within the gay community, providing a source of growing wealth for gay businessmen. As Toronto Life noted five years ago (September 1976) in an article called "The rise of gay capitalism," people with a high disposable income, no children to spend it on and an urge to socialize "adds up to a large market."

While it is important to understand the economic and political potential of the gay community, its contribution to the community at large should not be overlooked. Representations from individuals who said they spoke for

"the silent majority," which they claimed makes up about 80 per cent of Toronto's gay population, were especially intent on emphasizing this point.

In addition to the contribution gay men and women make in their daily activities, many who are active in the gay community also share their energies in general community services, the group pointed out, although it is generally not known that the organizer or prime mover is gay.

This report cannot enumerate all such activities, but it is interesting to list some of the occupations stated by persons who took part in the Body Politic poll. They include teachers from grade school to university; librarians; health and social service workers; counsellors; rehabilitation workers; childcare workers; psychiatrists; dentists; doctors; nurses (male); writers; editors; journalists; actors; communications consultants; arts administrators; laboratory technicians; engineers; architects; physicists; office clerks; computer operators; business managers; salespersons; retailers; civil servants; lawyers; farmers; cooks; chefs; waiters; post office workers; telephone installers; streetcar operators; cabinet makers; and a priest.

This is a partial list of occupations within the gay community. For example, it does not include police, men and women in the armed forces, or politicians.

The wide variety of occupations engaged in by gays, the breadth of social services and depth of organization, criss-cross the social, economic and political spectrum. With a sizeable, skilled and well-educated population, which interacts and contributes to the general community, one finds in Toronto the operation of a developed, a viable and self-contained gay community.

(c) Why Some People are Gay

The homosexual belongs to a minority which is characterized by a sexual preference for a person of the same sex. Doctors, psychiatrists and psychologists have engaged in numerous controversies during the history of the inquiry into the cause or causes of sexual preference.

Few are as humble as Dr. Selwyn Smith, psychiatrist-in-chief at the Royal Ottawa Hospital, who was reported as saying "No one knows. In fact a psychiatrist is no more competent to comment on this than a gay person."

Freud and the psychoanalytic school of psychiatric medicine radically altered perceptions of homosexuality as a constitutive mental and physical disease, to a view of it as a treatable, curable sociopathic mental disorder. According to Freud, everyone is born bi-sexual, that is with a capacity to develop a sexual preference for the

same or opposite sex. Ultimate sexual preference is determined by early childhood learning experiences. In particular, the child's relationship with his parents determines his sexual preference. According to one version of the theory, the male homosexual grew up with a domineering mother and a weak, inadequate father. Consequently, during the 'oedipal' period of psycho-sexual development, during which the 'normal child' begins to identify with the father, the homosexual male continues to identify with the mother. Without this transfer to the masculine model the child molds himself after the female figure and consequently prefers the male as a sexual partner.

Similarly, lesbianism is held by the psycho-analytical school to be the product of an inadequate daughter-parent relationship.

Although the medical and popular view of homosexuality radically changed from that of a degenerative disease to a condition that could be cured, homosexuality nevertheless continued to be stigmatized as a disease.

Modern theories about the causes of homosexuality have ranged from attributing homosexuality primarily to biological determinants, for example to the actions of hormones on a child's brain during the early states of pregnancy (e.g. Money and Erhart (1972)), to theories which have stressed the influence of social and cultural learning experiences in early childhood on emerging

sexual preference (e.g. Masters and Johnson, Homosexuality in Perspective. Massachusetts, Lexington Press, 1979.)

In spite of conflicting medical evidence which suggested homosexuality was either predisposed or socially determined, in the 1950s the medical community began to regard homosexuality as a lifestyle or a variant of sexuality rather than an illness.

According to Dr. Kingsley Ferguson, head of psychology at the Clarke Institute of Psychiatry and Professor of abnormal psychology at the University of Toronto, the publication of Alfred Kinsey's study, Sexual Behaviour in the Human Male in 1948, was responsible for changing medical and popular conceptions of homosexuality.

"People discovered that this kind of behaviour was prevalent and that people could have a homosexual experience without being a homosexual for a lifetime," said Dr. Ferguson.

Kinsey found that 37% of persons interviewed had had one homosexual orgasm. The study indicated that 3/4 of male homosexuals had a sexual relationship with a woman.

Kinsey also developed a scale of 'exclusiveness' with a numerical range extending from exclusive heterosexuality to exclusive homosexuality. About 50% of the men tested fell within the middle of the range, as did the women, although fewer women were exclusively homosexual.

Dr. Ferguson said "The Kinsey Report introduced statistics about homosexuality and gave people a framework in which to talk about the phenomenon, other than in terms of morality."

In 1972, members of the American Psychiatric Association were polled as to whether homosexuality should be dropped from the Association's official list of diagnostical categories for diseases, the Diagnostic and Statistical Manual (D.S.M.). In the D.S.M. number 1, homosexuality was included in a category of sexual diseases considered deviations from the heterosexual norm. In 1973, as the result of the response of its members, the American Psychiatric Association dropped the existing classification of homosexuality as a mental disorder and placed it in the new classification of 'gender orientation disturbance' or 'gender dysphoria'. The classification includes a homosexual who doesn't want to be one.

The D.S.M. number 3, published in 1980 retains homosexuality in the gender dysphoria classification although medical evidence suggests that, unlike many transsexuals and transvestites, few homosexuals suffer from gender dysphoria.

According to the Foundation for the Advancement of Transsexuals (F.A.C.T.), the transexually inclined person

suffers from gender dysphoria because "The true transexual cannot find inner peace until he or she has had such physical changes to the body that she/he is completely accepted and identified as a member of the opposite sex. Although a transexual may seek companionship or sexual gratification which leads to a relationship with a person of the same biological sex, which is by definition a homosexual relationship, the transexual does not regard himself/herself as a homosexual or as part of the homosexual community."

F.A.C.T. adds that "The transexual in such a relationship regards himself/herself as a member of the opposite sex and invariably fantasizes the sexual activity as being that of the desired sex." (letter of April 14, 1981 to the Coalition for Gay Rights in Ontario).

Transvestites also suffer from a gender dysphoric condition which creates an impulsive desire to cross-dress and to pass as a female. Unlike transexuals, transvestites do not wish to have a sex change. Transvestites are almost exclusively genetic males and may or may not be homosexual.

In contrast, few homosexuals want to change their sexual preference. Dr. Jameson of the Behaviour Therapy Institute of Toronto has personally noted the decline in the number of homosexuals who seek psychiatric treatment.

He attributes this to the increasing number of homosexuals who accept their homosexuality and by the growing acceptance of homosexuality in society.

Psychologist C.A. Tripp in his study on homosexuality, reports that "The various surveys which have been conducted over the years have shown that from 90 to 96% of homosexuals would not elect to change, even if they could do so by 'pushing a button'." (C.A. Tripp, The Homosexual Matrix 1976).

The prevailing medical view is that sexual preference emerges from a deep-seated predisposition, which cannot be changed. Dr. Jameson said the psychiatric profession has largely accepted the theory of John Money. Money found that mothers of males who suffered emotional stress in the first three months of pregnancy have a higher incidence of bearing a homosexual child. Money concluded such children had a neuro-hormonal predisposition to establish a sexual preference for males.

The theory that sexual preference is biologically predisposed has some support from the latest report of the Alfred C. Kinsey Institute for Sex Research, to be published in November under the title of "Sexual Preference: Its Development in Men and Women." The study of almost 1500 people is reported to conclude:

No particular phenomenon of family life can be singled out, on the basis of our findings, as especially consequential for either homosexual or heterosexual development ... What we seem to have identified is a pattern of feelings and reactions within a child that cannot be traced back to a single social or psychological root; indeed homosexuality may arise from a biological precursor that parents cannot control.

(New York Times, August 23, 1981).

In particular the study found that boys who had dominant mothers and weak, inadequate fathers were no more likely to become homosexual than if they had had an 'ideal' family setting. A girl's eventual sexual preference was found to be only weakly linked to a non-ideal daughter-parent relationship.

The study also found that both men and women who became exclusively homosexual had as many heterosexual dating experiences as heterosexuals during their youth. Nor was the exclusive homosexual more likely to have been traumatized by an early heterosexual experience. The essential difference between the groups was that homosexuals were less likely to have enjoyed their youthful heterosexual experiences.

If, as the Kinsey study concludes, sexual preference is the result of a predisposition, biological or otherwise, then it is clear that homosexuals cannot be 'cured' of their homosexuality any more than a person predisposed with a heterosexual preference can be 'recruited' as a homosexual.

Dr. Karl Freund of the Clarke Institute of Psychiatry, in his paper "Male Homosexuality: An Analysis of the Pattern," states that "any successes reported by therapists who try to change homo to hetero erotic preference are most likely due to a facilitation of interaction with the non-preferred sex, and not to any considerable change in erotic preference."

(Understanding Homosexuality, ed. Dr. J.A. Loraine Lancaster, Medical and Technical Publishing, 1974. P.27).

The attraction of a male to a male is not only sexual, Dr. Jameson stated.

"It is not just the physical composition of the male," he said in an interview. "It has to do with the whole male personality. It is that total maleness that is admired by a person of the same sex."

The 'total maleness,' according to the psychiatrist, includes such things as skin texture, smell, personality and masculine character traits -- judgment, achieving, aspiring to be in control of the situation -- as well as the male lifestyle.

Effeminate men have a similar status within the male gay community as they do in the heterosexual one, Dr. Jameson said. However, they relate to each other and are usually found in groups. They have their support system among themselves. The leather crowd at the other fringe of the gay community is a case of over-identification, according to the psychiatrist.

"The vast majority of homosexuals are not obvious in any way," he said. "They fulfill the appropriate identification with the male stereotype."

I shall touch only briefly on pedophilia which is an erotic predisposition for children and young adolescents that occurs both in heterosexual and homosexual males and is deviant behaviour in both groups. For this reason, I feel a discussion of this condition is not a proper subject for this study. However, the notion that pedophilia is equated with homosexuality is widespread and a major source of homophobia and misunderstanding of the nature of homosexuality. This misconception has been fuelled by the murder of 12-year-old Emmanuel Jacques more than four years ago and by the publication the same year of the article "Men Loving Boys Loving Men" in the Body Politic.

A study of 175 males convicted of sexual assault against children in the State of Massachusetts during the years 1970-1975, indicates that female children were victimized twice as often as male children.

The sample divided evenly between men who were sexually fixated exclusively on children and men who had regressed from an adult sexual relationship. There were no homosexuals in the latter classification, indicating that homosexuality and homosexual pedophilia are mutually exclusive:

"Homosexuality and homosexual pedophilia are not synonymous. In fact, it may be that these two orientations are mutually exclusive, the reason being that the homosexual male is sexually attracted to masculine qualities whereas the heterosexual male is sexually attracted to feminine characteristics, and the sexually immature child's qualities are more feminine than masculine. Although there may be some homosexual men who prefer effeminate male partners, the lack of legal bonds and responsibilities for sexual unions between men may more easily allow these persons to replace such sexual partners when relations become strained rather than regressing under such stress to children. In any case, in over 12 years of clinical experience working with child molesters, we have yet to see any example of a regression from an adult homosexual orientation. The child offender who is also attracted to and engaged in adult sexual relationships is heterosexual. It appears, therefore, that the adult heterosexual male constitutes a greater sexual risk to underage children than does the adult homosexual male."

(A. N. Groth, "Adult Sexual Orientation and Attraction to Underage Persons" Archives of Sexual Behaviour, Volume 7, No. 3, 1978, pp. 180-181).

In his research at Toronto's Clarke Institute on male homosexuality, Dr. Freund conducted tests to determine the degree of arousal in homosexual and heterosexual males toward the same sex and the opposite sex. In homosexuals he found a low degree of sexual arousal toward children aged 6 to 11, with the age group 6 to 8 dropping nearly to zero. The arousal factor was somewhat higher for boys than girls. In heterosexual subjects he found that the arousal factor was markedly higher than that of homosexuals toward girls aged 6 to 11 and only slightly lower toward

boys aged 6 to 11. In the experiment Dr. Freund was not testing responses of pedophilics, but of "normal" homosexual and heterosexual men (Fig. 1, P.35 of his paper cited above).

(d) How Large is The Gay Community?

The gay population of Toronto is a minority that is only partly visible for three main reasons:

1. Gay men and lesbians are present in every socio-economic, ethnic, age and racial group. Gay men often are present where they are least expected. James Trenholme, a Vancouver gay activist, was a World War II fighter pilot and states that many of his colleagues who fought in the skies over the Mediterranean were gay.
2. The majority of gay people do not look the way most "straight" people expect. The effeminate, limp-wristed, slender-hipped stereotype fits very few gay men.
3. Because of the pressures and perils that exist for gay people in our society, the vast majority of homosexuals keep their sexual preference secret. Some cover up, or bow to social pressure, by marrying and having children. Most simply prefer privacy.

As a result, no accurate count is possible. But it would be a mistake to assume that the population is somewhere in the neighbourhood of the estimated three-to-four thousand people who have taken part in various gay demonstrations in downtown Toronto.

The most widely accepted estimate of the ratio of homosexuals in the population is based on the 1948 report of the Alfred Kinsey Institute for Sex Research. That is, about four per cent of the male population of North America is exclusively gay and an additional ten per cent are predominately gay. Based on the 1980 regional census, these figures would give Toronto, with a total population of 630,487, of which about 530,000 are over the age of 14, about half of which are male, about 37,000 males who are exclusively or predominately gay. Kinsey's estimates, based on less information, that about seven per cent of the female population is exclusively or predominately gay, would add 18,500 to the total. The figures for Metropolitan Toronto's 2,143,492 population would be about 125,000 gay males and 63,000 gay females.

How accurate are these figures likely to be? The large size of Toronto's gay population becomes immediately apparent when, on a Friday or Saturday night, preferably accompanied by a knowledgeable gay person, one makes a tour of entertainment establishments in downtown Toronto that are patronized mainly by gay men and some women. I made my first such tour in mid-July and have retraced my steps without a guide a few times since so that I would not be relying solely on first impressions.

During the hours that liquor is served -- up to 1:00 a.m. -- I visited seven bars within a few blocks. Each was filled to capacity.

Later, the tour includes two dance halls. In the first, a barn-sized structure, I found what appeared to be nearly 1,000 men dancing with each other to a hectic disco beat. In the next place, hundreds of younger men, in their teens and twenties, packed another huge dance floor, while "go-go boys" set the pace on raised platforms. In between, while walking along the street, my guide, a well-known figure in the gay community, was greeted by gay acquaintances who seemed to make up the majority of downtown promenaders. The "downtown gay scene" also includes restaurants and the bathhouses. At the writing of this report, gay bathhouses remain in operation in Toronto, including three or the four raided on February 5.

Professor John Alan Lee, Department of Sociology, University of Toronto, estimated in his book Getting Sex, published in 1978, that about 10,000 gay men patronize the downtown entertainment places in any week. This figure, from my own observations, seems reasonable. There is a prevailing opinion in the gay community that the gay people who frequent the downtown establishments represent only ten per cent of Metro's total gay population.

Whether these figures are accurate, approximate or off by some thousands, there is ample evidence of a sizeable gay community representing a significant proportion of the general population.

(e) Sex

i) The "Downtown Scene"

That part of gay society that is integrated with the "downtown scene" or the "bar scene" is heavily sex-oriented. In a U.S. television show in December 1979 on the rise of gay political power, a gay spokesman commented: "Never in the history of the world has there been so much sex available to men."

He was speaking of San Francisco, where an estimated one-third of the population is gay. Although the proportion is lower in our city, the same observation may be made of the history of Toronto. It is taken as axiomatic that the male is the more promiscuous of the species and more open in the search for sex. A gay man in search of casual, uncommitted sex generally has little difficulty finding it with other like-minded gay men. However, despite the ready availability of potential partners, the meeting of two homosexual men, each seeking sex, does not mean that a sexual liaison will be automatic.

Initially there is a period of cruising. There are basic differences, but gay cruising is similar to heterosexual cruising in many ways.

Cruising consists of going to a place where gay men congregate to survey the scene. The language is generally silent. The search is for someone who is sexually attractive.

In bars, gay men generally cruise with their eyes. In bathhouses and public parks, cruising consists of walking about or waiting for someone to walk by. A meeting of eyes or an unspoken signal to follow signify agreement. A different type of cruising -- by car -- is practised by men seeking male street prostitutes. A more furtive type of contact is practised in public washrooms.

The surprising feature to a heterosexual observing most of these activities - with the possible exception of street prostitution - is the apparent absence of aggressiveness. "Getting sex" this way is a matter of almost wordless offer and acceptance, and when there is no acceptance, the offerer walks quietly on.

Each of these areas of sexual activity has a special significance to gay society, although only a minority of gay people participate. Whether a person uses one or the other often is determined by whether he is in the closet or "out."

(ii) Washroom Sex

Members of the gay community understand the personal and social factors that move men to seek sex in washrooms and public parks, although they may disain such activity. Often, they used washrooms and parks themselves during the secretive or fearful stage of their "coming out" -- facing up to their homosexuality.

Professor Lee says washrooms favoured by homosexuals are called "tea rooms." Heterosexual men, he states, are rarely approached for "tea room sex" and "aside from police, are never complainants in a court case." He adds:

"Tearoom sex performs an important social function in bringing together two species in the homosexual ecology who perform a service for each other. The single or married heterosexual who occasionally enjoys homosexual activity and the confirmed homosexual ... The sexual interaction takes place with a minimum of conversation and no expense. Few questions are asked and none which might disclose one's own identity or seek that of another."

George Hislop, who among other gay activists considers sex in washrooms a problem that requires a thoughtful solution, states that washrooms often are used by older men in the hope that other gay men, looking for quick sex, will be less discriminating in their choice of a partner.

Often, boys in their early teens, who have no contact with the gay community, will frequent a washroom in a park, Mr. Hislop said. Washrooms are also a relatively safe harbour for men from some ethnic communities that tend to be hostile to homosexuals. Often, such men are married and fear detection on both accounts. Surveillance or washrooms from hidden vantage points and other techniques to control washroom sex are discussed in the section on relations between the police and gay community in Section Six.

An informant who used washrooms to escape detection, found it to be degrading to be furtive about his sexuality. He added that he would also use the parks, but the thought of descending into a dark ravine today "terrifies" him.

(iii) Park Sex

Indeed, some parks at night can be terrifying. I was taken on a tour of one with a deep and forbidding ravine one night. My guide warned me of three dangers: of running across "queer bashers" -- thugs who beat up gay men for pleasure - of being arrested, and of falling off the narrow path into the ravine. During the tour, various escape routes were pointed out with advice to use them in case of trouble.

Consequently, I was startled, while walking along a narrow path, to see a figure ahead of me in the dark. However, he passed without incident, and before long the shapes of other figures, all men, became visible in the darkness. The park, in fact, was alive with men -- men walking, men standing, and rarely, shadowy shapes of men who may have been engaged in sex.

I recalled the incident of a year earlier when a policeman who came upon some men in the dark opened fire. He got off three shots. Five men arrested were later given absolute discharges on charges of committing indecent acts and acts of gross indecency. Two men also had been arrested in the park the night before the shooting.

The so-called "park scene" is difficult for heterosexuals to accept or understand. The wish to hide one's identity is only part of the explanation.

An informant, who complained of his treatment by the police after he was arrested in that park offered a written explanation:

Lovers' lanes have existed probably since time began. Enjoying the sensual pleasures of another human being under cover of darkness and bush has its own unique appeal. There are few of us who have not been to a lovers' lane ... We are not wont to think of it as illegal or criminal in any way. This, unfortunately is not the case in a lovers' lane for gay people.

The above is part of an unpublished story, "The Criminalization of Charles Dee." The author, when interviewed, stated that part of the attraction of park sex was the sense of adventure found in being outdoors in a natural setting on a warm, dark night. However, opinion on the cultural value of park sex is sharply divided in the gay community.

(iv) Bathhouses

The bathhouse, as part of the gay culture, is in an entirely different category. The bathhouse raids have been perceived as an attack on the whole gay community. Therefore, it is of crucial importance, in my opinion, to understand the special significance of the bathhouse to the

gay community -- not merely to the few thousand men who use the "baths" regularly or occasionally, but to the majority of gay people who never use them, including lesbians. The bathhouse as a social, sex-oriented institution is a difficult concept for most "straight" members of the community. Whatever one's personal feelings, the present state of relations between the police and the gay community, and the recent increase in activism can only be understood fully by understanding the gay community's attitude toward the bathhouses. This attitude was expressed in several interviews.

According to the Rev. Brent Hawkes, who does not patronize them, the bathhouses are an important social institution for the male gay community. He states that social prejudice eliminates many of the options open to heterosexuals to establish and engage in sexual relationships. The bathhouse provides a fast, direct and safe means to establish and engage in sexual relationships, and to meet other gay men. By contrast, the bars are awkward and dangerous places to seek sex. Mr. Hawkes said that little prostitution takes place in bathhouses because prostitution is frowned on by the gay community.

George Hislop gave almost the same account of the significance of the bathhouse in the community, and stressed the safety factor. A homosexual man who picks up a stranger in a bar is always at risk. The stranger may be more

interested in violence, robbery or blackmail than in sex. A man who returns to his home with a stranger may be vulnerable to all three, Mr. Hislop said. The bathhouse provides an opportunity for sex in the privacy of a small room or cubicle, and each participant can go his own way afterwards. If trouble develops in the cubicle, there are attendants nearby to answer cries for help.

Mr. Hislop stated that a prostitute may decide to use a bathhouse. Usually it is a transient in search of a "quick \$20.00." If he is successful in being invited to a room, his technique is that he says he has no money and asks for some.

For a married man, the baths have been an outlet to the gay world, according to a member of an organization called The Gay Fathers, gay men who are married and have children.

"Cheating on our wives is not the word," according to a member of the group, "it is a necessary release." Usually a wife understands that her husband is gay and that once a week or so he has to go to the baths. It is what allows the marriage to go on. The baths are there for a person who needs a sexual outlet of that kind but can't look for a relationship with another man."

Ian Lumsden, Professor of Political Science at York University, who said he had been married much of his adult life before he "came out" said: "In the baths you're openly gay. How sad for people who have to express their sexuality in toilets! The baths are positive. People can accept their gayness in a way that makes it easier for them to accept it, in contrast to the misery of gays who have no way to express it, except in a way that is secretive and furtive and places them in danger of arrest."

Professor Lumsden stated that he is one of hundreds of gay people who were moved to assert their gayness because of what they perceived as a threat to the gay community posed by the bathhouse raids. He is politically active in a gay/lesbian organization, GLARE -- Gays and Lesbians Against the Right Everywhere. He stated that defence of the bathhouses is not narrowly restricted to patrons of the baths: "Lesbians don't go to the baths, for example, but they are part of the opposition to the police action." He added: "At York University I have never taken the trouble to hide that I'm gay. Since the bathhouse raids, I intend to make it clear that I'm gay. My decision to be more political was influenced by the bathhouse raids."

Gay bathhouses have existed in Toronto for about 20 years. In appearance, they range from a cheerful, imitated elegance of the ancient Roman baths to a genuine no-frills

relic of old Toronto. One is a dim, darkly decorated retreat designed to be "grundgy." Pool, sauna, shower and lounge areas vary in degree from place to place. However, they are consistent in that each has long corridors flanked by closely set doors with spaces above the walls. Behind each door is a small room and in each room there is a bed.

During my guided tour of Toronto's bath houses, which had been arranged in advance, I was told that sex acts took place "in the privacy of the rooms." My guides made it a point to show me numerous damaged doors they said were the result of the police raids.

(v) A Word About Sadomasochism

In this discussion of gay-sexually-oriented society I feel it would be remiss to omit a fringe area known as the "leather and denim crowd" -- people who dress in rather standardized leather and denim costumes and prefer establishments that cater to them almost exclusively. They make up one-twentieth of the gay population of Toronto, according to Professor Lee. Of this minority, a small segment of the leather fanciers practise sadomasochism, or S/M. My research in this area is limited to visits to leather and denim bars in Toronto and San Francisco, and to viewing certain instruments, which practitioners call "toys." Professor Lee calls S/M "sexual theatre" in which

the practitioners are rarely injured because of pre-arranged limits. He states that they are not real sadists or masochists:

"Most S/M practitioners turned out to be ordinary men and women, often well educated and employed in prestigious positions. Most are sensible and sensitive ... Many S/M practitioners are entirely non-violent in everyday life, and often politically pacifist."

(Getting Sex: "S/M -- The last taboo?")

(f) Women in Gay Society

The male-dominated gay society mirrors society-at-large in the position of women. Lesbians are at a relatively greater disadvantage than "straight" women because they are a minority in both societies. Generally, they must endure the disadvantages experienced by all women in the work world, and in addition, those who have children are often single parents left with the economic and social responsibilities of motherhood. These disabilities, that usually translate into economic disadvantage, have a special focus in the gay community where a high percentage of men enjoy more than average prosperity because of the economic advantages enjoyed by single men. The economic and social position of many lesbians is summed up roughly in a brief submitted by Lesbians Against the Right:

In addition to the discrimination in the workplace, in reproductive rights and in the home that all women experience, lesbians are further discriminated against because we love other women.

The scientific and sociological studies on homosexuality tend to concentrate on males. Professor Lee, in his study of gay sex, touches on the sexuality of lesbians:

Lesbians are much less promiscuous (than gay men) though most have had more sexual partners than heterosexual women of the same age and social class. In the process of growing up to like sex, lesbians have more hurdles to jump than gay men. They must not only come to terms with homosexuality, but also with rejection of the double standard of sex imposed by the traditional male dominance of society. Female promiscuity has always been more reprehensible than male.

Interviews with lesbians confirm the different lifestyle of lesbians and gay men. Lesbians tend to prefer long and lasting relationships and sexual fidelity. Lesbian informants stated that it is usual to have no more than four or five different sex partners in a lifetime. By comparison, it is not unusual for a gay man to have hundreds of sexual encounters with different men, although lasting, loving relationships are also a common feature of male gay society. (During this study, I met several men with established households. Men living together as couples 10, 15 and 20 years is not uncommon in gay society.)

Socially, women in gay society are also disadvantaged because of the difficulty of meeting other lesbians. In San Francisco, this problem is somewhat eased by the existence of exclusively lesbian bars. The added advantage is that a woman may relax in such a place in a totally lesbian environment. In Toronto, there had been a bar of that kind on a small scale a few blocks from the downtown core, but it was closed recently and put to other uses by its non-gay male owner. Lesbians are seldom seen in male gay bars, although women, lesbians and straight, appear to be welcome. Several gay men told me that, contrary to the "women-hating mythology" about gay men, the gay community generally likes "straight" women and feels a kinship toward lesbians. The truth of this was demonstrated throughout the research phase of the study.

Many lesbian women I have met during the study have complained of serious abuse, physical and verbal, from non-gay men, including policemen. Because they feel especially vulnerable and otherwise have strong convictions about their human rights and civil liberties, they are becoming a growing voice in gay activities, social and political. A political example is that in addition to the all-female LAR, women have become allied with gay men in GLARE. In addition to the emphasis on opposition to the rise of the political right, GLARE, according to Professor Lumsden, includes feminist-supporting men who are attempting to politicize gay men on the issue of "the oppression of lesbians."

(g) "Coming Out"

There are generally two stages to "coming out:" the first is to admit to oneself that he or she is gay; then to announce it to the world. Each has its perils. And since scientific and medical evidence strongly favours the view that gayness is established within a person at an early age, the process can begin as early as the person becomes sexually aware. For the very young, the difficulty of coping with sexual discovery is compounded by a sexual preference that the majority of society appears to be saying is forbidden, sick or sinful. Revealing such feelings can alienate one's friends, invite abuse and traumatize one parents and family. An adult, in addition to the adverse social implications, faces the possible loss of employment or ruination of a career, and if married, faces as well the breakup of his family.

The previous part discussed the subterfuge many gay people use to hide their gayness by seeking anonymous, uncommitted sex in toilets, parks and bathhouses. Frequently any of these places also carries the risk of enforced "coming out" -- being discovered by family, friends and employer -- as a result of being arrested and charged for performing sex acts or merely being found-in. The history of well-publicized washroom and bawdy-house arrests of prominent persons make the point, although the recent

bathhouse raids the media acceded to a request by Police Chief Ackroyd and did not publish the names and photographs of found-ins.

Most men later defined as homosexuals have their first same-sex experience about the age of 14, according to Karen Kaffko of York University, who is cited in an article in the July 1981 issue of Chatelaine by Stevie Cameron.

Women usually have this experience at age 19. In their mid-twenties, men begin to label themselves gay tentatively and by age 30 are ready to accept a positive gay identity.

A number of gay men conform to the social model for straight men and marry and have children. "Coming out" for them presents special difficulties. About 75 of them have grouped together in a supportive organization called Gay Fathers of Toronto. There is a similar organization in Hamilton. The members are open about their gayness. Many have continued to live with their wives and children after coming out.

At a meeting of the Toronto group, which I attended during the study, a member pointed out that most of the gay fathers had lived in isolation from each other and other gay people: "We all tried very hard to be straight and couldn't carry it off. We have a lot of allegiance to both worlds, but are not fully understood by the gay or straight communities. We are treated like sociological and biological impossibilities."

Few of the gay fathers are active in the downtown scene. Many others are part of what one may call the non-vocal gay majority who have been comfortable with their gayness and would prefer to live private lives. Ron H. (not his real name) is among that majority, although he gives himself no labels. He lives in a townhouse in the beaches area with another man in the theatre. In his youth he worked in a downtown bathhouse, but now has no interest in that area. He is among hundreds of gay people who are openly gay and whose gayness is accepted by employers and business associates, although he prefers not to have his name made public in this study. Mr. H. feels that Toronto has become a less desirable, more hostile place for a gay person to live because of events of the past few months, especially the bathhouse raids.

"It's terrifying to think that if I had been in a bathhouse, I'd have lost my job. I have a tolerant employer, but the notoriety would have got me tossed out." He added that his neighbours, who had been friendly, have been noticeably cooler since the raids.

A support service for gay people coming out is provided by Toronto Area Gays, which maintains a telephone service for people who feel they need help. Tom (not his real name) is one of the people being helped as he goes through the process.

He has a fair factory job and as part of his coming out, decided to tell a fellow worker that he is gay. He asked the other person not to disclose it to anyone else for the time being. The fellow worker expressed astonishment at the disclosure. Now Tom is worried that the information will be passed around before he is ready, with consequences he can only guess at. Coming out for him, and many others, is preparing for that day when everyone knows.

Charles Dee decided to come out by revealing to his friends that he had been arrested for having sex in a public park:

Figuring I had more to gain than lose, I went public. And I went public in such a way as to show others, that while I accepted the (homosexual) labels, I did not accept the abusive connotations associated with those terms ... We are all human beings with a spark of the divine within ...

Without exception, the better I felt about myself, the better others felt about me ...

Still Charles Dee is not "public" enough, so far, to permit his name to be revealed.

(h) Gay Youth

(i) In The Family

Earlier parts have touched on the awareness of homosexuality at any early age, the problems of isolation faced by a youth with preference for the same sex and the problems of "coming out," to one's friends and family.

Scholarly studies of homosexuality by experts in the fields of sociology and psychiatry, notably The Homosexual Matrix, first published in 1975, by Dr. C.A. Tripp, should lay to rest the notions that young people become homosexuals by seduction or recruitment any more than they can be "converted" or "cured." As Dr. Tripp states in discussing "The Cure Issue" in the chapter on psychotherapy:

There are no known "cures" for homosexuality, nor are any likely ... The Kinsey Research made a concerted effort over a period of years to find and evaluate the histories of people whose sex lives had changed either during or following therapy of any kind. None was ever found.

The book adds in a footnote:

The various surveys which have been conducted over the years have shown that from 90 to 96 per cent of homosexuals would not elect to change, even if they could do so by "pushing a button."

Dr. Tripp deals with the argument that conversion to homosexuality is proven by the number of men who practise it in prison and thus become "institutional homosexuals." A similar argument was made in the case of seamen:

This led to the popular idea that men were thus more or less forced toward homosexual practices. But modern data from prison populations indicate that even where homosexuality is very high (71 per cent of long-term inmates) it is "new" only for 4 per cent of the participants; the rest had it in their histories before becoming isolated.

(The Homosexual Matrix. p. 209, 236, 239).

The fact remains that young human beings become sexually aware in their early teens and that hundreds of

these young people have a preference for the same sex as their own. This is not a recent revelation. For example, the problems of young people who realize they are gay, different from everyone around them, and how they cope with self-discovery, relationships with friends and family, and their sexuality, was sensitively explored by John Hofsess in the Toronto Life issue of March 1978. The article, in part, discusses Gay Youth Toronto, then in its second year:

At Gay Youth Toronto a new generation of homosexuals is learning to acquire a sound sense of self-respect -- something that society at large now deliberately or indifferently denies them.

For the past five years, Gay Youth Toronto has met each Tuesday night at the 519 Church Street Community Centre. The members are under age 25. The average age is 18, but at a visit to one of the meetings during the study it was obvious that some of the 40 to 50 young men and women present were younger. The aim of its founders, Mark Whitehead (now too old to be a member) and Ralph Lesser was to end the isolation, loneliness and anxiety of gay young people by introducing them to others in the same position and helping them to understand themselves and their place in society. This is done through guest speakers, film, other educational tools and round-robin discussions. Still, only one in five members has come out to his or her parents.

The obvious conflict that faces gay young people is that they are, in most cases, raised by heterosexual parents. In many cases, as children, they have been conditioned to feel negative about homosexuality and, in the extreme, to despise it. An intelligent and helpful treatment of the family situation is contained in the July 1981 issue of Chatelaine, mentioned above. It includes information on the Parents of Gays organization and a guide to gay, church, and social services as well as literature.

In his article on gay youth, John Hofsess states:

They are the cutting edge of change between an old gay lifestyle that is sleazy, exploitive and destructive, and one beginning to be born -- not yet established, but ardently desired.

(ii) On The Street

But there is another side to gay youth that presents a problem and a challenge both for the gay community and society at large: the problem of gay young men who, for various reasons, are on their own in the city and live by prostitution: the "street kids" or "hustlers."

The centre for this activity is the block bounded by Yonge, Grosvenor, Bay and Grenville Streets. There is also some activity a block to the south on College Street between Yonge and Bay Streets. Homosexual prostitution in Toronto is not limited to street hustling, but it is the area most

likely to draw public attention and to bring young people into conflict with the police. As well, as Peter Maloney points out in his exhaustive study of the subject in an unpublished paper on juvenile justice: Street Hustling: Growing Up Gay? (1979):

... Street hustling seems to be more intimately and directly linked to the process of growing up gay than any of the other forms of male homosexual prostitution. For the individuals involved, it may be a route to homosexuality which causes a great deal of damage to the hustler in the process of arriving at his ultimate goal.

The pattern that draws gay youth to street prostitution appears to be the same throughout North America. In San Francisco, as part of the police department's gay awareness program, police recruits were told by a worker at a hostel for gay youths that a disproportionate number of attempted suicides among teenagers are by young gays:

"A lot of kids who are going through stress with their families and are running away to big cities because they expect to exercise that (sexual) preference and explore their confusion. I get at least three phone calls a month from kids who have arrived at the bus station and say: 'I'm 16, I've just run away from home, I've got no money. I'm looking for the gay community.'"

"Most kids that come out here, don't come out to hustle. They come here basically because they've been pushed to run away from their homes and they want to explore their sexuality. It is not just the heterosexual community that is giving these kids a lot of difficulty. It is also the homosexual community. They're jail bait essentially. Their connection with them (homosexuals) is essentially of an exploitive nature."

"There are situational hustlers and there are habitual hustlers. A lot the police are going to see on the street are situational hustlers. A kid comes out here to explore his homosexuality or sexual confusion, and winds up getting into a hustling scene out of economic need. If they start getting a lot of money, it's really hard to talk to them about jobs."

The worker said that many of the youth can be reached at the "point of crisis" -- which may be the point where the youth is picked up by a "straight or heterosexual-identified" man, probably married, from out of town or a suburb, who think if he pays for a homosexual experience he can "get it out of the way and go back to his wife and kids." Men of that type are often violent.

"Another point of crisis is drugs. There is a phenomenal amount of drug abuse. Kids are often getting burnt out on drugs or o.d. (overdose) and that's another point of crisis."

The most active person in this area appears to be Douglas Grant Chin (Doug Chin) who founded the Tri-Aid Charitable Foundation and Tri-Aid House on Irwin Avenue, which he describes as the first gay group home in Canada, established in 1977. However, the Ontario Government has refused to register a children's boarding home in Tri-Aid's name under The Children's Boarding Homes Act. One reason given by the Ministry of Community and Social Services was that exposure to a homosexual environment "may unduly influence children toward homosexuality at an age when sexual orientation may still be in the process of development." At the same time, the majority of gay organizations refuse to support Tri-Aid. There is general agreement in the gay community that a group home for gay youth is urgently required.

I suggest that this is an area in which the gay community should marshal its resources to provide a service that has been lacking too long. Every effort should be made by community leaders, particularly the business sector, to initiate discussion with government and private agencies to re-open this question.

4. THE POLICE

(a) Organization

It is outside the mandate and beyond the scope of this study to undertake an examination of the management of the Metropolitan Toronto Police. At the time of the study, a comprehensive review of the structure and operation of the Police force by the management consulting firm of Hickling Johnston was nearing completion. During this study of relations between the police and the gay community, several organizations and individuals were critical of the management of the police force and suggested ways they thought it could be improved. In view of my mandate and the Metropolitan Toronto study on this very topic, and in full appreciation of the concerns expressed, I will only be making recommendations concerning police management and operations in those areas that bear on the relationship with the gay community.

The purpose of this section on organization is to make observations on the structure of the force as a prelude to my findings on the people who make up our police force -- including their recruitment, education, training and attitudes.

(i) Police Strength

At the beginning of this study, the Metropolitan Toronto Police had a strength of just over 5,400 staff officers and about 1,300 civilians and a budget in excess of \$230,000. This represents a police officer for about every 397 men, women and children in Metropolitan Toronto and an expenditure of more than \$107 per person.

The police force, as would be expected, is more concentrated in the City of Toronto, particularly in the central area. The City is divided into five police districts. District 1 includes the area west of Spadina Avenue, York Borough and some of North York. District 5 covers the area east of Spadina Avenue including the Borough of East York. District 5 includes the downtown core. Each district is further divided into police divisions. Fifty-two Division, at Dundas Street West just west of University Avenue, covers the downtown core, including what is probably the greatest concentration of gay residents in Metro and most of the gay bars, bathhouses, restaurants, discos and other places of entertainment, amusement, relaxation and business that are part of the gay community. District 5 geographically includes Police Headquarters at Jarvis and Charles Streets and the offices of the Intelligence unit, at Richmond Street East near Church Street, and Morality on Yonge Street south of St. Clair Avenue.

About 1,500 police serve the 443,000 people who live in District 5, according to the 1980 Annual Report of the Metropolitan Toronto Board of Commissioners of Police, about one police officer to 295 people.

(ii) Police Commission

Theoretically, the policy that governs the conduct of the force is set at the level of the Police Commission. The makeup of the Board of Commissioners is prescribed by

the Municipality of Metropolitan Toronto Act, which states that the Board shall be composed of:

- a) the chairman of the Metropolitan Council
- b) one member of the Metropolitan Council appointed by the Metropolitan Council;
- c) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council;
- d) one provincial judge under the Provincial Courts Act designated by the Lieutenant Governor in Council; and
- e) one person, who is not qualified to be appointed or designated under clause b, c, or d, appointed by the Lieutenant Governor in Council.

The "Lieutenant Governor in Council", of course, is the Ontario Cabinet of Premier William Davis.

The Members of the Board -- the police commissioners -- under this scheme are Metro Chairman Paul Godfrey; Mayor Dennis Flynn of Etobicoke (the only person on the Board required to stand for popular election before he could qualify); His Honour, Judge Garth H. F. Moore; His Honour, Judge Philip G. Givens (chairman); and Winfield C. McKay. Therefore, three of the five persons who govern the police are appointees of the Ontario Government.

In Judge Given's words, "The Commission is a creature of the Ontario Government."

(iii) Police Management

The management of the police force is based on a military-like chain of command headed by Chief of Police Jack Ackroyd. Three Deputy Chiefs are in charge of field operations, administrative operations and staff operations.

(iv) Police Organizational Chart

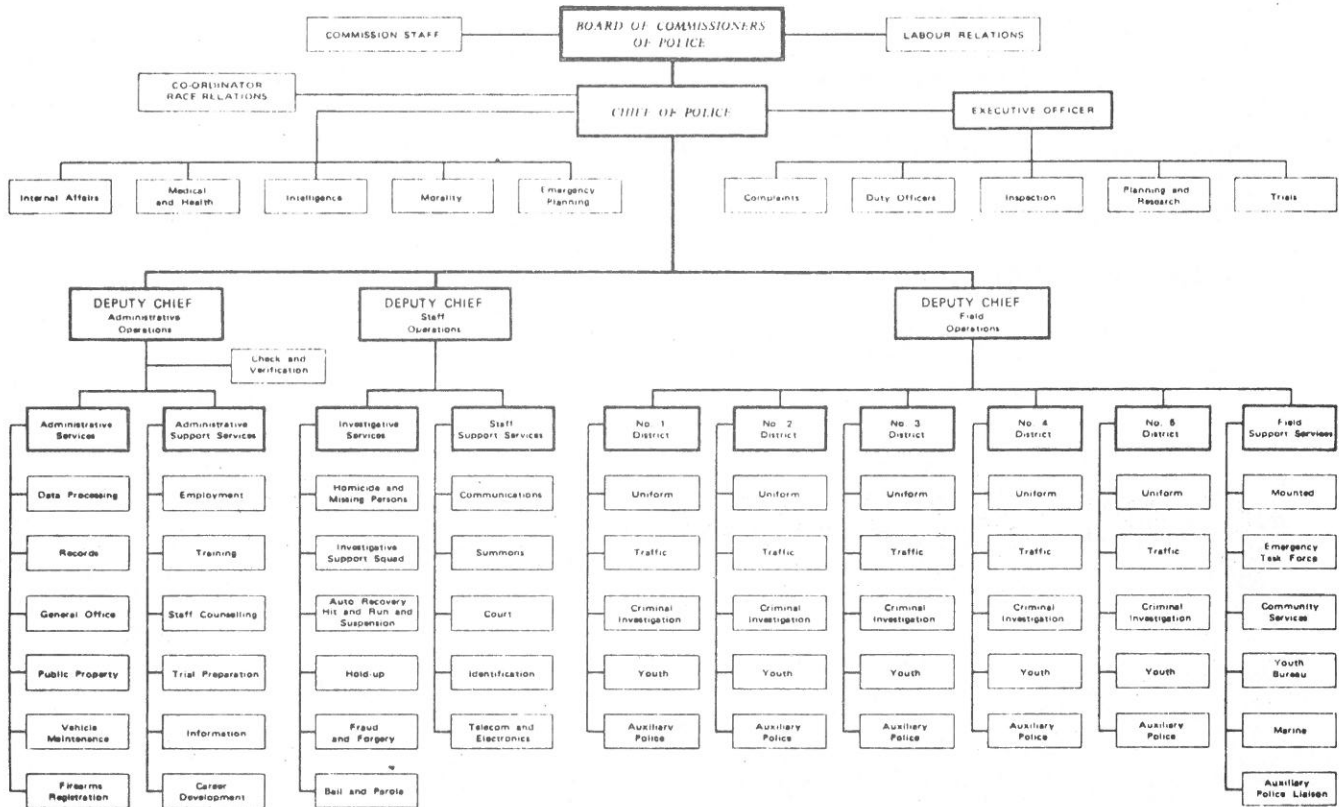
The police organizational chart is included on the next page. In addition, it is helpful to know that Metro's police are ranked as follows:

Officers:	Chief
	Deputy Chief
	Staff Superintendent
	Superintendent
	Staff Inspector
	Inspector
Others:	Staff Sergeant
	Sergeant
	Constable 1
	Constables 2, 3, 4

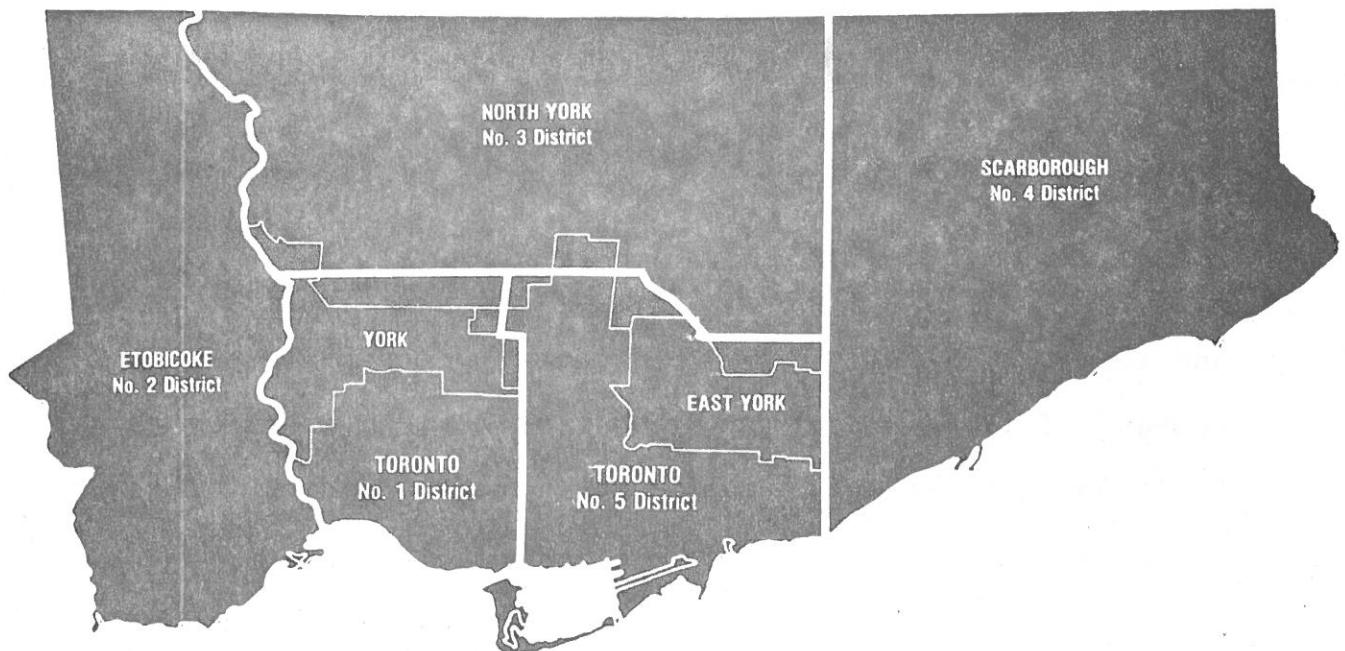
Cadets may join the force at age 17, but may not be sworn as police officers before they reach age 21.

The staff superintendents of the five police districts and the superintendent of field support services come under the command of field operations headed by Deputy Chief Jack Marks. Field Support Services include the "mounted police", emergency

Organization Chart



4



Police Districts

SOURCE: METROPOLITAN TORONTO POLICE ANNUAL REPORT 1980

task force, community services, youth bureau, marine and auxilliary police liaison units. Community services include an ethnic relations program designed "to establish rapport with community and ethnic groups". Each district has uniform, traffic, criminal investigation, youth and auxilliary police units.

The superintendent of Administrative Support Services comes under Administrative Operations headed by Deputy Chief James M. Noble. This area includes the recruitment, training and career development programs of the force under Staff Inspector Ronald Meadows (Employment) and Staff Inspector Charles Maywood (Career Development). The programs include training of recruits at Metro's C.O. Bick College and training to upgrade the education of police.

The superintendent in charge of investigative services comes under staff operations headed by Deputy Chief Thomas Cooke. This branch of the force includes the homicide, auto recovery, hold up, and fraud and forgery investigation units.

In addition, several heads of operations report directly to the Chief. These include Staff Inspector Donald Banks, Intelligence; Staff Inspector Forbes Ewing, Morality; and Staff Superintendent Eric Wright, Co-ordinator of Race Relations, whose position was created in May, 1980.

These three functions are of special interest to the study.

(v) Intelligence

Intelligence is the principal weapon of a modern police force against organized crime. Just as military intelligence is linked to gathering information about an enemy to aid in its destruction, police intelligence is designed to gather information on "the mob" for the same purpose.

The raison d'etre of Intelligence is stated in A Review of Regionalized Policing in Ontario by the Ontario Police Commission (May 1978) under the heading "Criminal Intelligence & Organized Crime".

Organized crime can best be described as a continuing and self-perpetuating criminal conspiracy motivated by a desire for profit. It thrives on fear and corruption, and seeks to obtain immunity from the law. It is a sub-culture within our society, which is constantly searching for means to operate outside the control of the justice system.

It involves many criminals of all ethnic backgrounds working within structures more complex than those of government or business and subject to their own rules and regulations, which they enforce much more stringently than democratic society enforces its sanctions.

It is international in scope, particularly in its operational structure in the fields of narcotics distribution, trafficking in stolen and fraudulent currency and securities, in major frauds and corporate thefts and in alien smuggling.

In Ontario, in addition to those crimes just mentioned, its activities involve illegal gambling, loan-sharking, the distribution of pornography, arson, insurance fraud, the infiltration of legitimate business, as well as the crimes of extortion and the protection racket. ...

It has been conclusively proven in both Canada and the United States that conventional police methods, which,

for the most part are complaint oriented, are inadequate to deal with the special problem of organized crime.

It is for this reason, that another dimension has been added to law enforcement, that of criminal intelligence.

Intelligence...is all information, professionally evaluated, collated and analysed, which reveals the existence of organized crime, identifies the members of a group or groups, establishes their criminal activities, their internal administration, movements, active associates, sources of income and general vulnerability to concerted action. It runs exactly parallel to the principles involved in military intelligence.

The following description is added under the heading Intelligence Branch in the organizational section of the report:

The objective of the Intelligence Branch is to provide the Force with information and services relevant to criminal activities. ... The Intelligence Branch is responsible for maintaining current dossiers on organized crime subjects; installing and monitoring of authorized private communication interceptions; collection and dissemination of raw intelligence data; and providing to other Divisions of Operational Services the support of technical and tactical surveillance.

The organized crime target of police Intelligence is spelled out clearly, as well, in the Police Commission budget estimates for 1981 under Chief's Special Units:

Intelligence -- To monitor organized crime and report major crime activities directly to the Chief.

In the Ontario Police College Calendar of Courses for 1981, Intelligence instruction is described briefly under the heading, Organized Crime and Crime Intelligence Training Program, as specialized courses "directed to the field of Organized Crime and Intelligence Investigation."

The estimates give the following description of Morality: "to enforce the laws relating to drugs, gambling and prostitution".

(vi) Relative Strength of Intelligence and Morality

The operation of the Intelligence unit is of special interest to the gay community because it took a leading role in execution of the bathhouse raids, which followed a six-month undercover investigation because of its involvement, on occasion, of enforcing sections of the Criminal Code related to sexual offences and the publication and distribution of obscene matter.

Figures supplied by Police Headquarters list the number of authorized personnel in Intelligence as 125 staff and 12 civilians; Morality, 62 staff and 6 civilians. The revised 1981 budget of the Police Commission calls for an expenditure of \$4,948,530 for Intelligence and \$2,446,181 for Morality. The Race Relations office has a staff of one and one civilian and a budget of \$84,812.

A comparison is often made with Homicide, which is responsible for investigation of all murders, manslaughters, infanticides and deaths of a suspicious nature, all police shootings where death or injury results, and all missing persons where foul play is suspected. Homicide has 21 staff personnel and one civilian. Its budgetary allocation is \$2,042,035. Homicide is part of Investigative Services made up of Investigative Support Services, Auto Recovery,

Hold Up, Fraud and Forgery, Bail and Parole supervision. The total unit, including Homicide, has 149 staff personnel and 13 civilians and a budgetary allocation of \$6,366.637.

(vii) Community Relations

The Police Commission has instituted a number of changes designed to improve relations with minority groups. Mainly, these followed recommendations of previous studies commissioned to deal with specific areas of friction, similar to the tension that now exists between the police and the gay community.

In 1979, the Board of Commissioners asked Cardinal Carter to meditate between the Board and minority groups as a result of complaints of what he described as "an upsurge in tension created by individual events and by a growing apprehension on the part of the visible minorities of our City that their rights were either infringed upon or, at the very least, downgraded."

One result was the establishment of a sub-committee of the Police Commission to meet representatives of various racial and ethnic groups. Mayor Flynn is chairman of the sub-committee, which includes Staff Superintendent Wright, who was appointed by the Chief as Co-ordinator of Race Relations in response to the Carter recommendations. The group has several meetings a year in the Board Room at Police Headquarters.

The Board also acted on the recommendations of Cardinal Carter to examine ways to make the police force reflect the population mix of the force. The Board commissioned John Clement, Q.C. to examine the recruitment and standards practices. It followed Mr. Clement's recommendations to advertise for recruits in the ethnic media and to develop a system that removed the former height and weight requirements and substituted a point system to determine the qualification of recruits, which includes height and weight among the factors.

(viii) Police Association

In effecting these changes, the participation and support of the organization that represents 98 per cent of the Metro Police force -- the Metropolitan Toronto Police Association -- is of crucial importance. The Association, which negotiates police working conditions and wages, has a membership of more than 5,300 police up to the rank of staff sergeant. It is represented on the Board's Subcommittee on Race Relations.

(ix) Exclusion of the Gay Community

It is significant that both the Carter report and the Clement report specifically excluded the gay community. Cardinal Carter considered whether to include them, but decided that he should not. His reasons are given on page 8 of his report:

One of the groups which I interviewed, and which is harder to categorize, is the self-avowed homosexual community. In my discussion with them I made it very clear that it was not my intention to compromise my position in regard to the practice of homosexuality. But my role here is not directly theological and my position is taken on the basis of civil and human rights.

No one will reasonably expect homosexuals who break the law to have any species of immunity. Nor do they, in my judgment, constitute a community which may legitimately demand special consideration. But neither should they be the object of vilification, harassment or an excess of zeal in pursuing them with more fervour and perhaps relish than other citizens or group of citizens. Being homosexual does not constitute an offence either against the moral order or the civil law. Practicing homosexuality does, in the judgment of many, constitute an offence against the moral order. But if limited to private dimension, this practice is hardly a concern of the police force which has or ought to have many more urgent preoccupations.

In his deliberations on devising a system of police recruiting that would bring the Metro force closer to the population mix, Mr. Clement felt he had a clear indication from the Police Commission that homosexuals were not to be included.

The terms of reference, as set out on page 1 of his report, apparently required two things:

That the method of recruitment for qualified Police Officers be examined in an effort to attract greater representation from ethnic minorities in an attempt to relect the present make-up of the population mix of Metropolitan Toronto.

To study the existing hiring practices and qualifications for personnel and to suggest any beneficial changes.

Mr. Clement interpreted these terms on page 12:

The terms of reference referred to "ethnic minorities" and one representation urged upon me the submission that the phrase "ethnic minorities" included homosexual individuals and that accordingly the Force should actively recruit such individuals because they are homosexual, on the same basis as members of various ethnic groups and thus attempt to reflect the make-up of the Force as the percentage of homosexual individuals bears to the overall Metropolitan population.

I am not persuaded that the terms of reference can be expanded to equate "homosexual" to "ethnic" and accordingly I am without jurisdiction to make any recommendations with reference to that particular submission.

(b) Make-up of the Police

In his report, Mr. Clement noted that the police do not keep records of the racial or ethnic backgrounds of its members. However, he stated that the force keeps a record of languages spoken other than English. At that time, 882 police officers spoke a second or third language, which meant that more than 83 per cent were exclusively English-speaking. At the same time, it was noted that 47 per cent of police recruits were hired from outside Metropolitan Toronto.

Since the turnover in retirements, resignations, deaths and dismissals is only about 3 per cent, based on the 1980 Police Annual Report, and the new recruiting policy has been in effect only since 1980, it is not likely that any dramatic change in the make-up of the force has taken place since the Clement findings. It is reasonable to assume, therefore, that our police force is made up mainly of exclusively English speakers and that nearly half of our police were recruited outside Metro.

(i) Education

The only other significant data available on the make-up of the force is the educational level of the members when they joined. Based on computer information from the career development unit, over 85 per cent of police officers were at the level of grade 12 or below. Nearly half of the force had grade 12, equivalent of grade 12, or grade 12 plus. The designation "12 plus" indicates that those in that category were furthering their education, generally in community colleges. About 19 per cent of the force was at the grade 11 level and a further 18 per cent at the grade 10 level or below, although a few in that category were continuing their education. About 7 per cent of the force had some university education. This included 113 police with a B.A. and four with an M.A.

As expected, because grade 10 or equivalent was the minimum requirement when they joined, 45 per cent of the senior officers and over 40 per cent of the staff sergeants and sergeants were at the grade 10 level. Of the 113 police with Bachelor degrees on joining, one is a senior officer, one is a staff sergeant and eight are sergeants.

The police point out that nearly 500 have attended community college. This fall, about 140 expect to be enrolled in courses at the University of Toronto, about 25 will be in pre-university courses and 100 to 200 will be enrolled in the Advanced Police Science Certificate

Program at Humber College and 20 to 30 will be taking courses at Ryerson Polytechnical Institute. The courses are all police career-related and the force takes part in development of the curriculum. These courses are attended mainly by police in the lower ranks of the force. They are taken outside police work hours, although the Department generally strives to arrange shifts to accommodate the student-officers.

The management of the police force is made up mainly of senior officers who have risen through the ranks on the basis of long experience rather than formal education. The fact that the minimum educational level has risen in recent years to grade 12 and that considerable emphasis has been given to career development through academic training, indicates that the value of formal education has been sharply upgraded. However, there is no indication of change in the pattern of promoting personnel through the ranks over a course of many years of service. Nor does the recruiting program appear to be attracting a significant number of recruits from the ever-growing pool of university graduates. At present, according to the 1980 Annual Report, more than 100 police have bachelor degrees. The computer print-out indicates that 113 police joined the force with bachelor degrees and of these specifically, 59 are first class constables, 14 in plainclothes, 13 are third class

and 17 are fourth class constables. Of the four police who joined the force with an M.A., one is a sergeant and three are plainclothes constables.

See Figure 1 and Figure 2. See page 88A and 88B.

The Board of Police Commissioners makes the following statement in its 1980 Annual Report:

The (career development) program recognizes the need for police officers to develop a sophisticated approach to the cultural and socioeconomic issues which emerge in rapidly changing society...

The fulfillment of that need may be unduly delayed if the force lags in recruiting officers with higher education and fails to recognize that to succeed, such recruitment should offer greater incentives toward promotion than the traditionally lengthy elevation through the ranks. The police should also take advantage of the fund of experts in various fields and consider hiring directly to the senior ranks, much like corporations go outside to seek executive talent.

There appear to be two schools of thought within the force on the value of academic education in police work. Staff Inspector Maywood, who directs the career development program, said in an interview that in his opinion the best policemen are those who enter the force with less education and upgrade their skills within the force.

EDUCATIONAL ATTAINMENT OF
METROPOLITAN TORONTO POLICE
AT ENTRY BY PERCENTAGE OF RANK

	Total	Grade 10**	Grade 11***	Grade 12#	Grade 13	Some Univ.	Univ. Degree
Senior Officers	86	45%	25.6%	23%	3%	1%	Less than 1%
Staff Sergeants and Sergeants	1117	41.7%	20%	29.5%	6.5%	1.3%	Less than 1%
Plainclothes	515	15%	20.8%	50%	6.4%	4.6%	3.3%
Constables	3584	11.4%	18.6%	55%	7.7%	4.6%	2.4%
Police Force	5302	18.7%	19%	48.8%	7.2%	3.8%	2.2%

* The present authorized strength is 5404

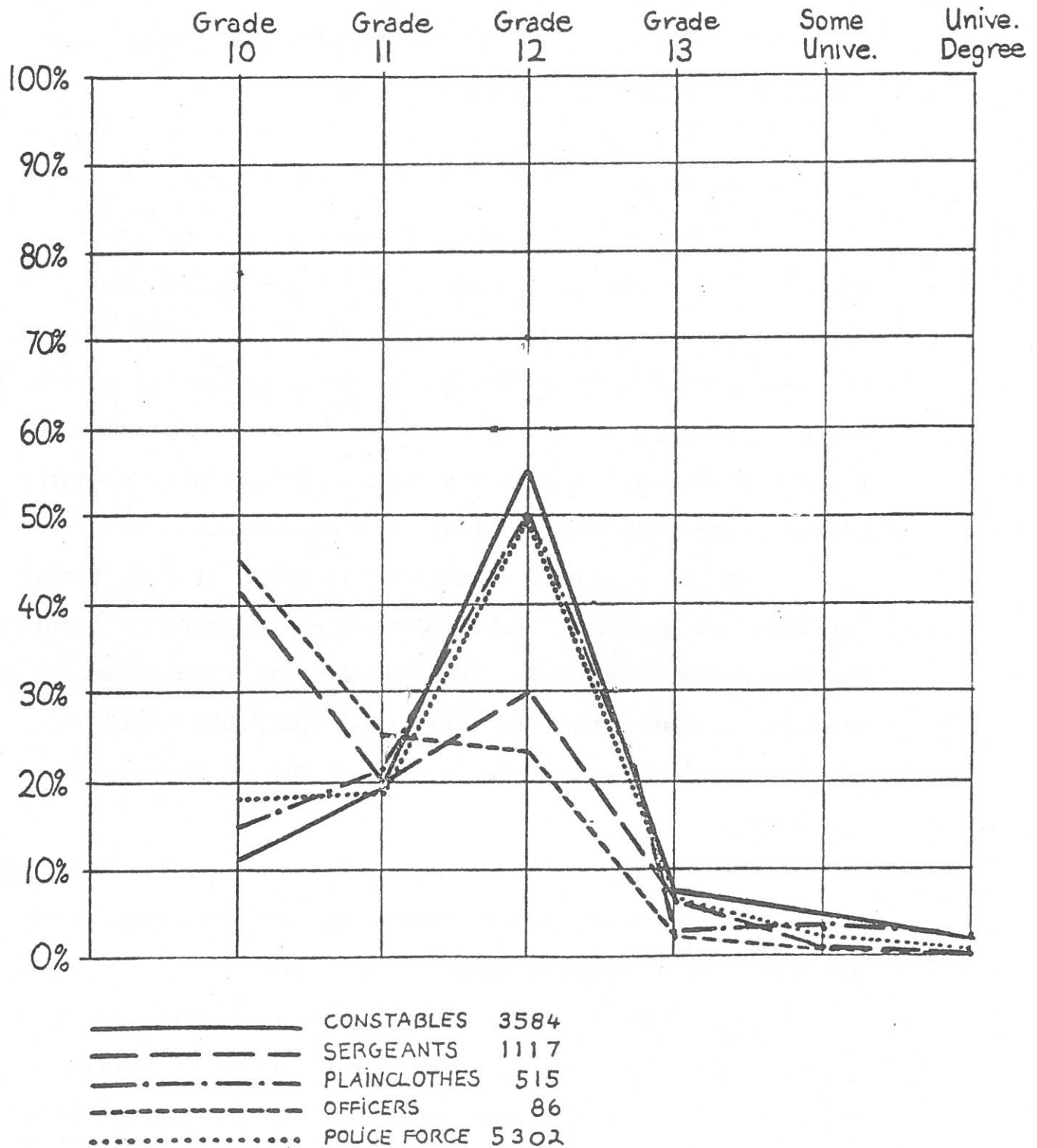
** Less than Grade 10, Grade 10 and Grade 10 plus

*** Grade 11 and Grade 11 plus

Grade 12 equivalent, Grade 12 and
Grade 12 plus (Community College)

SOURCE: METROPOLITAN TORONTO POLICE - 1981

Educational Attainment of Metropolitan Toronto Police at Entry by Percentage of Rank



TOTAL AUTHORIZED STRENGTH 1981 - 5404

SOURCE ... Metropolitan Toronto Police - 1981

Another officer of lower rank told me that, in his opinion, the best policemen are most likely to come from older, well-educated recruits, who bring with them a general fund of knowledge of the outside world along with a more mature approach to police work.

(c) Training

All Metro Police recruits must pass a training course of 33 weeks given partly at the Metro C.O. Bick College and partly at the Ontario Police College at Aylmer. The 19-weeks of instruction at Aylmer are given to police recruits throughout Ontario. Twelve weeks are devoted to field training and two to instruction in Metro to prepare recruits for problems peculiar to a metropolis.

Of the 33 weeks, according to staff at C.O. Bick, two days are given to "multiculture" -- training in ethnic and community relations. The recruits are also given 90 minutes of instruction in "attitude" and "behaviour" -- how a policeman is expected to behave during the course of his duty.

The College also gives ongoing courses for seasoned police: every three years constables are given two weeks and two days of courses updating the law.

As a result of the Carter report, a police officer, one in his or her career, must take a course in crisis intervention. The purpose, according to the College staff

is to understand stress, behaviour patterns, social atmospheres, and the role of police in society. This course involves instruction on when to be assertive, when to use force, and the civil and criminal consequences of using more force than is necessary. Courses are also given for senior police and for police specializing in various areas, such as juvenile offenders.

Training at the C.O. Bick college does not include any information on the gay community.

It is interesting to canvas a policeman's view of the training program. Chief Ackroyd filled every request I made for interviews with policemen on a multitude of subjects. In addition, I felt it would be instructive to speak to a police officer informally and unofficially, preferably without the presence or knowledge of a senior officer. Fortunately, an acquaintance of the police force with a number of years of seniority was willing to do this, on the record, but anonymously. I will refer to him here and in other parts of this report as "PC Jones".

PC Jones said that the training at the police college in the area of community and race relations comes under the headings of Crisis Intervention, which includes any instruction that is given concerning homosexuals. The course also includes defence techniques and what to do in a "psychological situation". He said that about half of what was taught was useful, but some of the techniques were not useful in practice.

A course specifically in race relations was given to him some years earlier. "It was the first and last time -- you get it once," he said.

The police college staff's assessment of the training in "attitudes" is of interest to this study. The officer who gives this course stated that "we teach behaviour, not attitudes. You can't demand a change in attitude -- you can only demand a change in behaviour. We teach them: treat them properly, treat them courteously, and don't be a jerk when you're out there."

Among the students receiving instruction at C.O. Bick college are cadets -- teenagers as young as 17 who are too young to be taken on the force as policemen. However, the cadets receive the same attitude-behaviour training as older candidates (at least age 21) who are eligible to join the police force as constables. If they do become policemen, they will undergo a second round of training -- but it will be a repetition of what they received as cadets. Police college staff said about half of the 250 students at each session are cadets. They added that about 90 per cent of cadets eventually become regular policemen.

(i) Attitude of Police Toward Themselves and Homosexuals

PC Jones summed up his perception of police and gays:

"The picture of a policeman (self-image) is a verile type of individual -- masculine and strong. I don't think gays are presented in that light. Gays are intelligent,

meticulous, neat, very artistic. Most that I have known are arty, trendy -- they dress very well."

PC Jones said he knew a policeman who was constantly being chided about being gay, but he has never admitted or denied being gay. The reason for "suspecting" him is that he has never been seen with a woman at any of the mixed social functions attended by police.

"If he admits he's gay, I think there would be a lot of pressure -- it is just the way we all are. Myself, if I was to ascertain that this person was homosexual, it would not bother me in the least as long as he performs his duties and is a good partner.

We all suspect that he is a homosexual but nobody has direct proof. Sometimes we kid him -- the fellows are very open about it. It does not seem to bother him. He is good natured; he takes the kidding well. On the job, he can be counted on.

Acts of homosexuality seem very unnatural to me. You don't see too many animal species, if any, including human beings, in acts of homosexuality.

I treat everyone equally; I don't care what his race or sexual preferences are. Other policemen on the job may give him a hard time. The reaction of fellow officers and supervisors would be like the reaction of any male anywhere. Policemen are just as human as anyone."

PC Jones said police engage in what could be called verbal horseplay. They call each other by names

that are normally considered pejorative and racist. He said these were in the sense of good fun. The terms include the names generally considered abusive by racial minorities -- names such as nigger and wop -- and by homosexuals -- such as faggot or queer. Locker room philosophy is that "if you can't take it in the locker, you won't be able to take it on the street." He added that police are guarded about using such names in public and when speaking to members of minority groups.

"In my experience and career I have never seen a policeman persecute someone because of his sexual preference or harass anyone like that. I have never seen them openly chastise one (a homosexual) or use abusive language or offensive slang."

PC Jones' description of a policeman's self-image agrees with an analysis by an expert in police and police methods in the United States. Richard Hongisto is a San Francisco supervisor, that city's equivalent to an alderman. He had been a policeman for 10 years until 1970 and spent much of that time in community relations work, which included working with the gay community. He was elected Sheriff of the county and after six years in that post was appointed police chief in Cleveland, Ohio. Later he was appointed by the Governor of New York to run the state's prison system and serve as general policy adviser to the Governor. On his return to San Francisco, he was elected to the combined City and County Council Board of Supervisors.

In a lengthy interview, parts of which will appear in other parts of this report, he gave the following analysis of what he described as police culture:

"The police are a sub-culture that must rely on strength and application of force in varying degrees -- never more than necessary. A government should never use more force than is necessary on its own population.

"The police perception is that they place a lot of value on strength, decisiveness and assertiveness, that is, values that are considered masculine and male. So the police have very masculine, very macho ideas and weak and effeminate stereotypes are not valued and therefore, police adopt derisive attitudes toward them.

"This same attitude is adopted toward women, intellectuals, clerks, etc. So the attitude of long-standing is that there should be no minority on the police force, or women, or homosexuals, or intellectuals. With these feelings of superiority, their dealings with these groups are condescending and they adopt high-handed attitudes."

Mr. Hongisto said this was the way theories developed among police officers about minorities. Stereotypes generated in this way became built into formal and informal policy. A minority community may be treated fairly formally, but informally there may be other policies, such as non-hiring of members of specific groups.

"If you want to have bad relationships between the police department and the gay community just have the police administration make it clear that homosexuals are unacceptable for employment because of their 'obvious inferior qualities'.

"Many agencies have made a point of coming out and saying, we wouldn't hire homosexuals because they couldn't do the job, just as they said, in times past, they wouldn't hire women, Asians and blacks because they couldn't do the job.

"So these kinds of policies that serve to further label and stereotype the gay community (by ascribing in good characteristics inferior characteristics) also aggravate the problem. They not only lead to mutual hostility, but they create barriers for communication."

(ii) Police Association

Earlier in this report, Paul Walter, president of the Metropolitan Toronto Police Association, was quoted (from a Globe and Mail article) as stating that the majority of the Association's more than 5,000 members "have grave concerns about recognizing homosexuals as a legitimate minority with status under human rights legislation."

In an interview a few days later, on September 4, Mr. Walter made it clear that the concern of the members

was that the police force would be forced to hire homosexuals if discrimination on the grounds of sexual orientation were to be made illegal.

Mr. Walter said the majority of members were strongly opposed to the hiring of homosexual policemen. He gave as reasons that gay policemen were prone to engage in overt sex acts with each other in inappropriate places, that they could not be trusted if placed on duty together but might slip away to have sex, that they would attempt to seduce heterosexual policemen -- particularly young ones -- and could not be trusted with duty that involved children, that as homosexuals become older their sexual appetite turns increasingly to young boys, that homosexuals have a high incidence of venereal disease, and that male prostitution has become increasingly serious with the result that homosexual acts are taking place in alleys and parking lots in the downtown core.

It was suggested to Mr. Walter that these concerns were based on stereotyping and not borne out by fact or experience.

Some of the activities described, it was pointed out, in any event would have no effect on police work. Mr. Walter was told that senior officers had confided widespread belief, and some factual knowledge, that there are gay men and women serving on the police force without

incident. Mr. Walter stated that he was prepared to adopt an open mind, but that it would be some time before the majority of members would be in favour of the hiring of homosexuals.

At the same time, he stated that he believed he would oppose the dismissal of any member of the Association solely on the ground that he or she is homosexual.

Mr. Walter added that his membership preferred the term "homosexual" to "gay". The latter distorted the true meaning of gay. (This reasoning is remarkably close to that held by conservative newspaper editors. However, all three Toronto dailies now use the words interchangeably.)

The attitude of a group of young police officers from 52 Division, members of the area foot patrol, appeared to be open, both toward the gay community and the hiring of gay police. The gay "downtown scene" is part of the area covered by the foot patrol. Three young officers and a staff sergeant all expressed a willingness to have gay policemen on the force, possibly in their unit, although one stated emphatically that police would not support a quota system for the hiring of gays or other minorities.

(iii) Senior Police

The attitude toward the gay community by senior officers is mixed. There appears to be a genuine attempt to understand and tolerate homosexuals and gay sex in

private. At the same time, there is a prevailing attitude among at least some senior policemen that "homosexuals attract crime".

All of the senior policemen I interviewed during the study stated that gay men would be acceptable as police officers provided only that they perform their duty satisfactorily. While there was an indication that this attitude included the acceptance of gay recruits, the opinion was usually framed on the assumption that, based on statistics alone, the police force already contained a small percentage of homosexuals.

At the same time senior officers appear to resent gay demonstrations. Staff Inspector Banks of Intelligence stated that when illegal activities are raided by the police in other ethnic communities, such as gaming houses in Chinatown, "they don't go out and demonstrate". The officer also expressed doubt that gay activist leaders are truly representatives of the gay community. He stated that he had received many calls from homosexuals who have stated that the gay spokespeople are not talking on their behalf. The majority of gays "are people who do their eight-hour-a-day job and go home to their lovers and are not activists. The majority of gay people are beautiful people -- hard-working people. They say they wouldn't be seen in one of those places".

This was an apparent reference to gay establishments, including bathhouses, with the implication that gay persons who do patronize such places are the opposite of beautiful and hard-working.

The genuine wish that I perceived among senior officers to improve relations with the gay community coexists with older attitudes. Members of the Intelligence unit were concerned, for example, that homosexuals carried disease that could be transmitted through the handling of eating utensils. One member expressed the view that if homosexuals were to be accepted in the police they would not be permitted to "impersonate a policewoman".

A widespread and prevailing complaint in the gay community is that it is regarded by the police as a criminal group and that homosexuals are deemed to be, individually, potential criminals.

An interview with Staff Inspector Forbes Ewing of Morality indicated a point of view that any gathering of homosexuals should be scrutinized by the police. The reasoning was that homosexuals attract crime.

"They do attract crime. Often they are visitors and they can end up the victims of murder, robbery or extortion. So wherever they go, crime does occur." He expressed the view that this comes about because homosexuals approach strangers and take them to their homes or, possibly a washroom for sex.

Staff Inspector Ewing stated that it is the job of police "to protect them" just as the police would protect any group of citizens. For that reason, police are usually "on hand" when there is a gathering of gay people.

The head of the Morality unit said that this policy would be in effect during the Gay Softball World Series, which brought together about 700 gay athletes from Toronto and 10 U.S. cities, although he was not certain at that time whether police actually would be assigned to the event.

Staff Inspector Ewing stated that the police would have a different approach to a similar gathering by a service club, such as the Kinsmen or B'nai Brith. Police would attend only upon request or if hired to be present. The reason was that such a group would not have the same "impact" on society as a gathering of gay people, although it was conceded that a number of gay people could be among groups that, by their nature, do not attract crime. He gave the following example of how crime could be attracted.

"They'll come down and they'll hook up in these spots that are frequented by homosexuals and there might first of all be a dinner. Then it's taken home to an apartment. It's (criminals) living off these homosexuals

and some of them pretty tender years too -- 13, 14, 15 years of age. That's another aspect to bear in mind. I think a homosexual can be made by those contacts at that age."

I have dealt with the interviews with the two key senior officers, the head of Intelligence and the head of Morality, in some detail, because these conversations indicate rather stereotyped perceptions of gay people, the gay community and the nature of homosexuality. While it is impossible to speak to every policeman, these conversations, along with that of the head of the Police Association, give strong indications that there are police at all levels who see the gay community as a policing problem rather than a community of citizens.

Both at the junior and senior levels of police, one detects a strongly moralistic view of homosexual lifestyle. This personal disapproval is reinforced by stereotyped notions of the homosexual man as an uncontrollable sexual libertine who commits crimes of lust, prostitutes himself, who is capable of infecting those with whom he comes in contact with by spreading homosexuality or venereal disease.

As a society, we must accept that prejudgments of long-standing are not readily susceptible to change, and we may tolerate the existence of those prejudices as long as they are not translated into action. The

attitude/behaviour instructor at the Metro police college expressed this in his view that, "You can't demand a change in attitude -- you can only demand a change in behaviour". However, when attitudes are translated into policy, formally or informally -- such as a policing policy based on a pre-judgement that homosexuals are a kind of social black hole that draws crime into its maw -- then those attitudes are being acted upon. Official policy based on prejudgment is action based on prejudices, and this runs contrary to the standards of social justice demanded by our society.

Obviously, lines of communication between the gay community and the police at all levels must be opened to air long-standing concepts and create the atmosphere of understanding required to improve relations.

(iv) Police Attitudes Observed by Gay Police

The manner in which police attitudes are translated into action in the street is a major area of strained relations between the two groups. In my opinion, it is most valuable to view these attitudes from the unique perspective of a gay policeman or policewoman. While I was made aware that in the personal knowledge of some policemen there are many gay police, my invitation to have any of them contact me directly or through intermediaries was declined. Nevertheless, two gay men who had resigned from the Metro police did agree to be interviewed provided their names were not used.

One informant, who will be called PC Smith, was in the unique position of having been based at No. 52 Division and on duty in the "gay ghetto".

PC Smith said he joined the Metro police early in the 1970's just at the time he was "coming out" -- that is, admitting to himself that he was gay. He was a policeman about seven years. He said his position made it more difficult for him to enter the gay community.

"...going into any of the bars, dance houses. I always had to have someone watch for me to see that there were no police or police cars around. I became very paranoid. I curtailed myself from going as often as I would have liked to have gone. I had heard of other policemen who were found out and were asked to resign."

What follows is a verbatim account of part of the interview:

Q. Was there much talk about gay people -- in the locker room?

A. Yes, every day. Just after being on patrol in the downtown areas -- the hub of the gay life in Toronto -- and just being on patrol and coming back and telling your buddies about what happened, what they did and that sort of thing, and part of it would be the hassling of the gay people.

Q. Did you patrol what were usually the gay areas?

A. Yes.

Q. Did you witness any kind of hassling yourself?

A. I did. At the corner of Yonge and Grosvenor -- set of

lights there. Lot of people walk across the red light... and it is the only street that gays are continuously stopped and charged with crossing against the red light.

Q. Was that the only kind of hassling?

A. No, they used to stand outside of one of the bars -- just below Wellesley Street and in a back lane and constantly watch who is coming and going to the bars.

Q. Were you on duty at that time?

A. Yes, I was with officers who would sit on these corners or in the back lanes and watch for them as they were coming out. Stopping a few of them and taking their names and addresses for no business other than to find out who they were and where they had been. And a lot of them were embarrassed, just having been to gay establishments -- just constantly being watched was the big problem. (for gays).

Q. You obviously would have been participating in this hassling.

A. Yes, I couldn't say anything because they would have questioned why I was different from what they thought. So you have to go along with peer pressure. Maybe I was just overly paranoid. I probably was, but still you question that if you said something they would say, "are you one of them?". One of the things that they used to say in the locker room was that you were either gay or a policeman because of the short hair -- they look very much alike.

Q. Did you over-compensate by hassling yourself?

A. No. I tried to keep away from it most of the time. I

would get out of charging someone for walking across against the red light, finding out that they were from out of town and it wasn't wise for them to be charged because they would have to come back to court. I sort of would bluff my way out of it and for a time it worked.

Q. Did you ever raise any suspicion?

A. Yes. I was brought up before the Inspector...There was a report made on me because there had been allegations that I was a homosexual and they did a report on the whole deal... They had surveillance on my house...Luckily they didn't find anything to prove anything so they just dropped everything and said it wouldn't be on my file.

Q. Were you told that your house was under surveillance?

A. There were actually two senior people involved in the investigation and through conversation with them I found out that they had been at the house because they commented about it being a nice house. They had been watching to see who was coming and going. Luckily at the time I was out of the city so obviously there was nobody coming or going. It was a good thing.

Q. What made them suspicious?

A. Somebody that I knew had said something and so they just followed it up.

Q. Were you asked directly if you were gay?

A. Yes. I denied it. I was absolutely convinced that I would have lost my job there and then. They would have

asked me to resign, because they believe that it is behaviour unbecoming to a police officer. They can charge you under the Police Act.

Q. What do they say is behaviour unbecoming -- being a homosexual?

A. I don't think it has ever really been put down in black and white, but that is just a rule of thumb to go by. This is how other officers have lost their jobs too. You can make an issue out of it and your name would be brought up in the papers, so to stop that, they just happily resign and most of it is forgotten by that time.

Q. Apart from the enquiry, was there ever any other blot on your record?

A. No.

Q. Did you receive the usual promotions, increments and so on?

A. First class officer. I put in my quota of summonses -- which there is -- and did my job and kept quiet about a lot of things. Didn't make any noise. Just did my work. For 52 Division that really isn't good enough -- you have to push, push -- summonses, tags, bring in three books more than everybody else brings in. I was just doing my job, not really a go-getter.

Q. Do you get the feeling that being gay and being a policeman you felt that you were in some sort of enemy camp?

A. Yes. I was. It might have been better had I not been working out of 52 Division, but being right in the middle of the

whole thing created a lot of my problems.

Q. Did you know of any other gay people in the police force?

A. Yes, through friends. A friend of mine knew somebody else and said that he knew he was gay and through a meeting, a party or something, we did eventually meet. I think I can remember two people now. One worked for Toronto police.

I haven't seen them in some time.

Q. Did you talk about your difficulties?

A. Yes. One had been investigated also. I don't remember which division he was with. I also knew of one other now and he was a policeman.

Q. What do you think would have happened if you had stayed?

A. A nervous breakdown. I was very paranoid and the last few years I became very involved with gay activities. I belonged to the gay softball organization, gay bowling league. I knew a lot of people from downtown. I finally came out of the closet. Took my chances but I was afraid of meeting them on the street and my partner questioning me as to why I knew these people. There were some activities I couldn't go to. I had tickets for the Village People Concert -- wanted to go but had to work it -- at the concert. I knew a lot of people coming in. They were supportive. It turned out to be a sort of fun evening. The police did hear that there had been a gay policeman there but they weren't sure which one it was. It turned out that the concert was filled with mothers and fathers and kids.

Q. Did the police only suspect trouble because of the gay association?

A. They thought there might be trouble because of a younger crowd being there...but there was no trouble whatsoever. At other concerts we search people as they come through, checking for drugs and that sort of thing but there was no searching of anybody at this concert. This sort of relieved me and shocked me at the same time.

Q. Were all the policemen you worked with anti-gay?

A. The majority of them. I think that because there is peer pressure to be so. Quite often we had a bulletin board in the lunchroom on which appeared many articles about homosexuals. Quite often, a lot of derogatory notes were put beside these articles.

Q. Was there ever any speculation that any of the policewomen were gay?

A. Yes. Because of the job of being a woman in uniform, it was thought that some of them were lesbians.

Q. Do you still think that the same attitude toward gays exist in the police force?

A. I think that was so up until the last bath raid. But after the rally that followed the bath raid I think things have cooled down a little bit. I am hoping they have.

5. THE ONTARIO HUMAN RIGHTS CODE

Ontario was the first province in Canada to enshrine the human rights of its citizens in law. The Ontario Human Rights Code was enacted in 1961-62. It was an amalgam of anti-discrimination legislation that sprouted hesitantly under Premier George Drew in the 1940's, bloomed and flourished under Leslie Frost in the 1950's, and matured under John Robarts in the 1960's. The Code and the Human Rights Commission that administers and enforces it, became models for every other province in Canada and the Government of Canada.

The Code prohibits discrimination in three social areas: housing, public services and employment. It prohibits discrimination on the following grounds: race, creed, colour, age, sex, marital status, nationality, ancestry and place of origin. All the grounds apply only to employment. Landlords may discriminate on grounds of age and marital status without breaking the law. A person may be barred from public services and accomodation because of age.

Everyone may discriminate against anyone in any area on grounds of sexual orientation.

In 1977, the Commission recommended that provision of the Code be broadened to make it unlawful to discriminate on several additional grounds, including sexual orientation. The Ontario Government failed to act on these recommendations

in any significant way until last year, when it introduced a "new" Code adding most of the grounds recommended over four years ago. Sexual orientation was not among them.

In the debate that is still underway as this report is written, the Government has been steadfast in its resolve not to prohibit discrimination on grounds of sexual orientation.

Among the many organizations that have supported the inclusion of sexual orientation in the Code is the City of Toronto, which has prohibited discrimination on grounds of sexual orientation in the hiring of City employees since 1973.

The implications of this omission for the individual are enormous: he or she may be identical in 10 different ways to a fellow employee, apartment-hunter or restaurant-goer, but may be dismissed, barred or refused service because he or she is homosexual or, for that matter, heterosexual.

The implications for the Government of Ontario are enormous: it condones discrimination, turns a blind eye to bigotry and refuses the hand of protection to one class of citizens. The implications are all the more enormous because of its record as a pioneer and champion of human rights.

Does it also encourage bigotry?

Paul Walter of the Metropolitan Toronto Police Association stated that the majority of that body of more than 5,000 police officers is opposed to the inclusion of sexual orientation in the Human Rights Code. The reason, Mr. Walter stated, is so that it will not be illegal to refuse to employ homosexuals. Neither, presumably, would it be illegal to dismiss a policeman who is discovered to be homosexual, although Mr. Walter said he would oppose a dismissal on that ground alone.

This presents a further difficulty for the Government of Ontario. The employer of Metro police is the Metro Board of Commissioners of Police. Three of the five members of the Board are, in effect, appointees of the Ontario Cabinet. The Chairman, His Honour Judge Philip Givens, has stated publicly that the Board is "a creature of the Ontario Government". If the Board were to state publicly that it will prohibit discrimination on the grounds of sexual orientation in its hiring practices, it would run contrary to the wishes of the Government of Ontario, Judge Givens has stated.

The effect of this, then, is that Metro police, through the Police Association, state openly that they wish their employer to have the right to discriminate against a class of people for no other reason than it is that particular class. The employer, the Board of Police Commissioners, states that it will do nothing to oppose this discrimination because it would be contrary to the wishes of the Government of

Premier William Davis. Seen in this light, the Government is not merely carrying out a negative policy of omission, it is implicated positively in a policy of discrimination. If this is not so, then it should at the very least release the Board of Commissioners of Police publicly from its perceived obligation to adhere to Government policy in this matter.

The policy of the Ontario Government and the Metro Board of Commissioners of Police on the rights of members of the gay community run contrary to the Board's ringing Declaration of Concern and Intent, which states:

The relationship between the members of the Metropolitan Toronto Police Force and the public they serve is the single most important concern of this Board.

The Metropolitan Toronto Board of Commissioners of Police and the Metropolitan Toronto Police Force have always been concerned about the exhibition or expression of any form of bigotry by any of its members and are totally committed to combatting all forms of discrimination. (Emphasis is mine)

In addition, recruits at the Metro C.O. Bick College are greeted with the following words in the police officer's Code of Ethics:

As a law enforcement officer my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the rights of all men to liberty, equality and justice. (Emphasis is mine)

The Board of Commissioners of Police is aware that the gay community makes up part of the public the police are committed to serve, it is aware that the relationship

between the police and that public is of major concern to the community and, therefore, in the words of its Declaration, must be "the single most important concern of the Board".

The Board must be equally aware that intentionally to exclude a class of people from an anti-discrimination code, if not a form of bigotry, is certainly a form of discrimination to which it is "totally committed" to combat.

What is the political reality of extending human rights protection to gay people? The only human rights charter in Canada to include sexual orientation is that of the Province of Quebec. Article 10 of the Quebec Human Rights Code, states:

Every person has the right to full and equal recognition and exercise of his human rights and freedom without distinction, exclusion and preference, based on race, colour, sex, sexual orientation, civil stature, religion, political conviction, language, ethnic or national origin, social condition or the fact that he is a handicapped person...

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such rights.

Sexual orientation was included in the Quebec Code in 1978, by the Government of Premier Rene Levesque, which is still in power. The inclusion has not opened the flood-gates. In 1978, the Quebec Human Rights Commission dealt with 18 cases based on sexual orientation discrimination -- 2.5 per cent of the total complaints. In 1979, the last year for which figures are available, the case load was 29 -- 3 per cent of the total.

One cannot predict with accuracy what effect the hiring of homosexuals would be on the Metro force. But one can examine the experience of a police organization that began hiring homosexuals in 1973. Richard J. Hongisto, a member of the San Francisco city council (Board of Supervisors) a veteran policeman and expert in criminal justice, said he opened the door in that year when he was Sheriff of San Francisco County:

"I found a large number of very intelligent, very sincere, very dedicated people (homosexuals, women, ethnic minorities) who were interested in this kind of career but could never have it before because they were being rejected. I hired them all. And suddenly, the quality of my employees went up dramatically. And when I started sending my employees to regional training academies in competition with other agencies, (my) people started coming in at the top of the class."

Mr. Hongisto said that homosexual recruits for the San Francisco Police Department are also succeeding -- at double the rate of their heterosexual counterparts.

"From the point of view of an administrator who wants maximum performance out of his agency, who wants the best possible policy, who wants the best possible agency, who wants the best performance, who wants the most effectiveness, who wants the most efficiency, who wants the most

positive possible responses out of the government to the community it serves, these policies have all worked and have been time-tested and have shown themselves extremely wise, extremely judicious, and extremely effective. And it's all documentable.

People who say we couldn't hire homosexuals and so on, are simply clinging to past patterns of discrimination, generalizing and stereotyping. That is irrational, not justified by facts, and is simply an unkind and inhumane thing to do to a portion of our population that deserves to be evaluated by the same standards we use to evaluate anyone else. And that is ultimately and simply: can you, and will you, do the job?"

In Ontario, no citizen deserves less.

6. RELATIONS BETWEEN THE POLICE AND THE GAY COMMUNITY

(a) Legacy of the Bathhouse Raids

These more recent events have only served to confirm and cement what was already in existence. There has always been a very poor relationship between the police and the gay community...

Lesbian and Gay History Group of
Toronto Brief presented August 18,
1981.

From the perspective of the gay community, events of the past 20 years recorded in numerous publications are ample evidence of a long-standing poor relationship with the police. The police may not view the same events as evidence of poor relations, but rather as a history of their duty in enforcing the law when it is perceived to be violated by members of the community. As Staff Inspector Forbes Ewing, head of Metro Police Morality put it in an interview:

"All these problems! We're only doing our job as we see it. The homosexual community seems to think that they have problems. All we want is to do a job, to keep the citizens happy."

In Toronto today, citizens who are gay are not happy with the way the law is being enforced. They are not happy with the we/they philosophy they ascribe to the police.

My own view is that where there are two antagonists and one wields the power of the state, the other does indeed have a problem. In a democratic state, if that power is used unduly, the problem becomes the problem of all citizens.

"The more recent events" referred to in the above-named brief include the bathhouse raids of February 5. No one now can doubt that the raids, whether justified or not, were very costly to the community because of their repercussions.

One of the costs to the police that the force may not be aware of is the loss of respect and confidence of gay citizens who, until the raids, had never been activists or militants.

An example, is the Gay Fathers of Toronto, who state in their brief to this study:

Like the vast majority of Canadians, we want our children to grow up in a society that adheres to the rule of law, with a police force that even-handedly enforces the law.

We were brought up to respect the police, to see the police as our protectors. And we want our children to follow our example. But in addition to being fathers, we are also gay, and when a man acknowledges this, he also realizes that he can no longer count on the policeman as his ally and friend.

...The recent bathhouse raids were the most flagrant instance of how the law is used to intimidate homosexuals instead of protecting them.

The brief echoes questions about the raids asked by other members of the gay community and non-gay citizens concerned with civil liberties and human rights. They question why, after a perceived period of co-operation between bathhouse operators and the police the baths were "suddenly seen as 'common bawdy houses'". They ask why

owners were not warned that the police viewed bathhouse activities as illegal "after having condoned them for so many years." They ask why the police found it necessary to carry out "mass arrests" and issue what the brief terms "misleading press releases which included reports of criminal activities for which charges were never laid".

The police response to these questions is that the undercover investigation conducted by Intelligence produced evidence of organized crime activity. Staff Inspector Banks of Intelligence pointed out during the study that every police officer who conducts an investigation is an individual acting in respect to the Crown. He stated by way of explanation:

"If I start telling my men who learn of illegal activities to stop (their investigation) I'm corrupting the course of the law."

Staff Inspector Banks pointed out further that part of the function of Intelligence is to investigate the keeping of a common bawdy house. This was not a moral issue, he said, but often involved drug abuse. Intelligence polices all areas of unlawful activity and acts as a support service for the entire force. He stated that members of the gay community exploit "their own people" as do members of other communities, and they are treated equally.

Senior police and Crown officers indicate that the evidence of organized crime activity will be presented when the cases are brought to court.

As I stated at the outset of this report, this is not an inquiry into the bathhouse raids. The concern of the study is with matters that affect the relations between the police and the gay community.

In my view, the explanations of the raids, although understandably constrained by the need to avoid prejudicing the court proceedings, leave doubts that contribute to the poor relations. Among these is a concept of the role of police Intelligence that appears to stray afield from the very clear purposes, outlined in police literature, to combat organized crime.

At the same time, the assurances by the police and Crown officers that organized crime, and not morality, was the target of the raids, raise the question of need to lay bawdy house charges and of the laying of charges related to organized crime only after a subsequent investigation.

Relations have been further strained by the belated press release referred to in the brief of the Gay Fathers. The release was issued on April 22. It related that the undercover police had observed acts of indecency in the bathhouses, culminating in the raid of February 5. It mentioned "several male prostitutes were making use of the premises to offer acts of sex for a fee". However, no charges related to prostitution were laid. At the same time, the release linked the bathhouse activities with an arrest that occurred more than two months later in an

apartment. The release referred to the seizure of "implements of torture" and "kiddie porn" (apparently in the apartment) and then returned to evidence related to the bathhouses and the laying of conspiracy charges.

Clearly, the impression one may get from the juxtaposition of the raids and mention of prostitution with "kiddie porn" and "torture implements" is that the bathhouse raids produced evidence of prostitution, kiddie porn and torture. The release was intended for the media and consumption by the public. In fact, the contents were given extensive coverage.

The "slanting" of factual information in this manner not only exacerbates tensions but calls into question the motives of the police in drafting such a document.

Throughout the study, many informants speculated on the motives of the police. I acknowledge that in interviews and in briefs submitted, there was a recurrent theme that the raids were politically motivated. I have been assured by Attorney General Roy McMurtry that this is not the case, and beyond that have nothing to add.

Conflicting opinions as to police motives were expressed by two eminent members of the Criminal Bar, Morris Manning, Q.C. and Edward Greenspan.

Mr. Manning, who is involved in some of the bathhouse charges as defence counsel, expressed the opinion that the raids were designed to drive the gay community out of Toronto.

He does not accept another widespread view in the gay community that the raids are an attempt to close down the bathhouses, and stated that the proof of this was that they are still operating.

Mr. Greenspan, who has no interest in the cases, expressed the view that there was no anti-gay motive in the raids.

"I think it's a mistake in the sense of treating the raids as anti-gay. To understand the nature of the police is to understand that this is the way they do it. Operations are done this way. There is no gentle way of making a raid. It is just the nature of police conduct. They saw it as a latent breach of the law through their undercover observations and they went at it as if it were World War II."

Mr. Greenspan said he sympathizes with the gay community but it should understand the military-like nature of police. "There is no sensitivity about how they go about making arrests -- what's new about it?"

I have no mandate to make a recommendation with regard to an inquiry into the bathhouse raids. However, because submissions to the study are heavily in favour of a full-dress inquiry, I feel it would be remiss not to comment on this important issue.

The police and Crown officials have asserted that the reasons for the raids will become clear when the evidence is produced in open court. In addition, lawsuits have been launched by the bathhouse owners.

Perhaps the evidence in these court actions will reveal all anybody would want to know about the motivation, initiation, and execution of the bathhouse raids. Perhaps many questions will remain unanswered. It is tempting to suggest that the courtroom should be the forum for inquiry into the police action, but that would leave open the possibility of choking off discussion of any police action by the simple expediency of laying charges and "placing the matter before the courts".

In my view, a public inquiry into the raids, if at all, should have taken place immediately afterward. Now, in the nearly eight months that have passed, the need has been recognized for an improvement in the relations between the police and the gay community, and this study recommends means of making a positive start in this direction.

Better police/gay relations -- a foundation on which to build good relations of the future: this is the most positive gain that can be made from the cost of the raids. Those who insist that a public inquiry must be held should, in my opinion, be asking whether such a probe at this juncture would achieve as much.

(b) Charges of Harassment

Submissions to this study also contain a heavy concentration of complaints of police harassment and conduct that is perceived to be antagonistic to the gay community.

At the same time, the police report abusive and provocative treatment by members of the gay community and an almost total lack of recognition or appreciation of positive moves to accomodate the community. It would be an understatement to characterize the attitude of each group toward the other as negative. Obviously, if relations between them are to be improved, the attitude will have to be reversed.

I believe that two steps are required to bring about a change in attitude from negative to positive: recognition by each side of what it is doing to the other and the effects of those actions; and a decision to work together to fashion a system that will avoid or prevent actions that damage the relationship. To describe this as appeasement or pandering, as some public statements have done, is to maintain the negative status quo. A shift to the positive requires more imagination and some effort.

The following abbreviated catalogue of complaints is aimed at the first step -- recognition.

(i) Complaints Against Police

The gay community in general views the application of police power in their community as discriminatory and vindictive -- in a word, anti-gay. This view, contrary to the contention of many police officers, is not held exclusively by "vocal" gay leaders, activists or militants -- it has penetrated deeply into the "silent majority", largely as a result of police actions this year. Reports of

individual encounters with police were given at a meeting on August 18 at Jarvis Collegiate. The meeting was called by the Toronto Gay Community Council to provide the study with information.

A young man said the police went to his apartment a week earlier to investigate an injury he had received. He stated an officer went to his typewriter and began reading a letter the man was writing, and when the man tried to remove the paper, the policeman threw him across the room. He added that he required a police report of his injury to make an application to the Criminal Injuries Compensation Board, but the police who made out the report told him they had lost it.

A young woman told the meeting she had taken part in the gay demonstration June 20 and was arrested while "departing" from it. She told the meeting:

"The arrest included an officer taking a billy club to my genital area; an officer stepping on my throat and my neck while others called me a queer and a slut and scrambled to grab my torso and limbs. When I arrived at 52 Division I was stripped first. The search included the removal of a tampon. It also included being left in a room on the second floor of 52 Division for a period of about 2 1/2 hours naked, unattended by anyone. When they checked my medical file they found that I have lung cancer and they proceeded to mock me about that for about 10 minutes and

to refuse to let me have cigarettes. En route to being fingerprinted, I was repeatedly asked by the officer driving what women do to each other in a lesbian love situation.... Police brutality towards lesbians and gay men is a real and horrific issue. It is frequently met with shock and absolute disbelief by the moral majority and this is indeed the time when support of the community is especially needed."

A male speaker said that when he entered the Ontario Legislature during a demonstration for inclusion of sexual orientation in the Human Rights Code, cameras of citizens were not allowed but there were "several undercover police walking around taking pictures of me from every angle they could and of the other 50 (demonstrators) as well."

Another man said he was leaving the court room during the trial of people charged with keeping a common bawdy house (the Barracks bathhouse) when two policemen passed him on the stairs. "One punched one fist into his hand and said 'that one is over, when is the next'. As the other one passed, he turned to me and said in a very low voice, 'faggot', and then in a very loud voice shouted his badge number. It is clear that any police officer feels complete confidence to be able to say whatever he wants in any way he wants to gay and lesbian people without any fear that there will be any recriminations."

Another male speaker told the meeting that during the June 20 demonstration he heard a policeman say "fags

and faggots go hand in hand". He said that when he approached the policeman he saw that he had removed his badge. The officer stood between two other policemen. He stated that the policeman refused to give his number and that when a photographer took the policeman's picture, the officer tried to grab the camera. He said that efforts to obtain the badge number through channels opened by the police to the ethnic communities had, up to then, been fruitless, despite a polite reception.

Another speaker told the meeting that he has a collection of pornography which was seized when police searched his apartment. He stated the police took the gay magazines as evidence, but left behind "straight" pornographic material. His hands were handcuffed behind his back in a manner, he claimed, that resulted in the cuffs tightening each time the vehicle he was transported in went over a bump. This resulted in a nerve injury to his hand. He told the meeting that an associate arrested recently on similar charges had his hands cuffed in front of him with the cuffs locked loosely "because he is married". He stated that he was called "a faggot, a sickie, and a queer and a weirdo" by police, and kept alone in an interrogation room for two hours, while his married associate was left in the same type of room for only five minutes and treated with courtesy.

George Hislop, one of the accused in the bathhouse cases, spoke as a representative of the Lambda Gay Business Council. During his arrest, he said, the arresting officer "kept calling us faggots".

"This whole business of calling us faggots -- and when we got back to the station he started calling his fellow officer a wop...They're the only civil servants I know who feel they have the right to editorialize. Can you imagine going to pay your hydro bill and if the guy behind the counter or the woman behind the counter called you a faggot -- game over -- job gone. But these people seem to feel they have the right, this is a part of the job.

Who is really running the police department? Not the Police Commission....Not the administration. All these memos (about language on the street) go down and yet, do they ever get to the cars on the street? No. Who do these people (police officers) on the street related to? The same person you relate to in your job. Your immediate boss. It's your boss, and your boss' actions and reactions that colour yours. What is this invisible glass in the middle that things cannot penetrate (along the chain of command) -- cannot get through?"

Mr. Hislop told the meeting that one of the major strategies of the police authorities was to force gay business into bankruptcy.

"They've pushed every business that I'm involved in to the edge. We hang on to them by our fingernails. The

paranoia level is deliberately kept high so people won't go (patronize) the businesses. I'm constantly being asked: "Is it safe to go to the baths? Is it safe to even go to a bar? Are the police in here? Yes, the police are in our bars. Why? What are we doing?"

"One of the most telling descriptions I've heard of the Metropolitan Toronto Police was from an East Asian who said we have a Jekyll and Hyde police department. And it's true. They send Dr. Jekyll, Chief Ackroyd, and all the nice people, to talk to us, and they send Mr. Hyde to kick the shit out of us."

Ron H., mentioned in the section of the Gay Community, was not at the meeting, nor was he likely to be. He does not consider himself part of the gay community, although he is openly gay. He is immersed in his work in the theatre and lives quietly in a townhouse in the Beaches area with another man. In his words, he is "trying to build a life." Mr. Hislop feels that he is so straight-laced in his lifestyle that he would never have any involvement with the police if he were heterosexual. He enjoys long walks and the beach. Often he takes walks by himself late at night when he feels the world is at peace and his creative mind works well. When he contacted the study in mid-July he had been stopped and questioned three times by the police. Once he was stopped walking along Queen Street East and asked to identify himself. He wanted to know why. The

police, he said, replied "you know why." He co-operated. He said the policeman then told him:

"We don't want fags on the street. Go home."

Mr. H. was questioned another night while sitting at Ashbridge's Bay. An unmarked police car moved up on a roadway behind him, then turned the lights on him while he was looking at the water. A policeman in plainclothes asked: "What are you doing here?" Once again, he was advised to go home. He has seen police approach two men sitting on a bench, while paying no attention to a man and a woman on a bench further down.

He is now apprehensive about taking walks in the city or going to the beach. "Sitting there on a Sunday night, being alone -- I wonder what they're going to hit me with. It's that kind of feeling. It's not a matter of rights, so much. A lot of people out there just want to live. It is our city too and we want to feel that we can live in it."

Guys and Lesbians Against the Right Everywhere (GLARE) take a militant political stance in levelling criticism against the police.

We see the police playing a blatantly political and partisan role. Their actions are not restricted to random harassment of members of minority communities but to overt intimidation of the politically active parts of these communities.

Widespread police harassment; rampant racism, sexism and heterosexism in the police force; and the use of the police as a clearly rightwing political force are the main features of the situation we face.

The gay community also sees harassment in the enforcement of liquor statutes. Several cases are cited of plainclothes police appearing at gay or lesbian functions that have special occasion permits and making a diligent search for minor infractions, such as an open beer bottle containing some beer being left on a table after the expiry time of the permit.

A. G. (Dave) Davies, owner and operator of the 18 East Club, at 18 Eastern Avenue, a "leather bar" catering strictly to homosexual men, complained that he has been the recipient of the only overcrowding charges ever laid in 51 Division under the Liquor Licence Act. This was confirmed in an interview with Sergeant Elo of 51 Division, who explained that it is the only bar in the Division that violated its licence in this way.

Mr. Davies said he has tried to work with the police to solve the crowd problem by forming lineups outside, by building an outside patio, and by opening another bar nearby. However, after each congenial meeting with police, more charges are laid. Mr. Davies said one charge was not for having too many people on his premises, but too many on the patio. He said he was told the crowd on the patio constituted a fire hazard. The patio is open to the sky and has two exits leading to the street. He added that seven break-ins of his establishment all remained unsolved by police. More recently, he claimed that police

were tagging cars of customers while ignoring illegally parked trucks from a nearby industrial plant.

Mr. Davies said that up to the beginning of August his attitude was that of a conservative small businessman who viewed the excesses of the gay community with some scepticism. He believes in law and order and regarded charges of harassment against police a symptom of paranoia in the gay community. His outlook now, he said, has "undergone a total reversal".

One recurring complaint of harassment by members of the gay community concerns the methods used in policing public washrooms -- entrapment and hidden surveillance operations.

As stated in Section 3, the majority of the gay community views sex in washrooms as a problem. However, the gay community is apt to be sympathetic with the problems of persons who use public washrooms for sexual purposes in the difficult process of "coming out".

They believe the police have failed to deal with the problem of washroom sex constructively and that the police are encouraging, rather than preventing the commission of crime. George Hislop stated in an interview that "using the Criminal Code in these situations is totally inappropriate and is like hunting mice with elephant guns". He said open policing of washrooms and structural alterations would be more effective deterrents than arrest.

"They arrest people in washrooms on the theory that those people will tell other people, but the people in washrooms often don't know people to tell."

The Rev. Brent Hawkes said the washroom problem could be solved if the police sought the co-operation of the gay community.

In 1979, thirty-four of eighty arrests in washrooms took place in the Greenwin Square complex at Sherbourne and Bloor Streets. According to the report of Aldermen White and Sheppard, "The police apparently arranged for a hole to be drilled between toilet partitions, to set up a 'blind' in an ostensibly 'closed for repair' cubicle." Police surveillance at the Greenwin complex ended when the City Buildings Department ordered the "blind" removed because it lacked a building permit. That year the Morality Bureau was responsible for 28 arrests in the washroom at the Parkside Tavern and one in the Biltmore Theatre.

No mention was made of the charges laid in the above cases. The police said that in most cases, "no entrapment" was used.

During the course of consultation with individuals and groups in the gay community, there were allegations that a police program of arresting homosexuals in public washrooms has continued. In particular, arrests were said to have occurred at the Kipling and Islington subway stations and at the Hudson's Bay Store in the Fairview Mall, as a result of police surveillance.

The continuation of washroom surveillance was confirmed in a visit to the Kipling and Islington subway stations on the Bloor-Danforth line. In the men's washroom at Kipling station a ventilator grill, approximately 8 feet long by 9 inches wide was fitted in the ceiling directly above the toilet cubicles affording a bird's eye view of the inside of the cubicles. Behind the men's washroom, we entered a small utility room. It was reached by a door between the entrances to the men's and women's washrooms. Another door was located on the bus platform used by TTC personnel. In that secluded area, a wooden platform four feet high had been built against a dividing wall. Leading to the platform was a set of wooden steps. A concrete block had been placed in the far left corner of the platform. By standing on the concrete block and leaning over the wall, one could peer through the grill and see inside all the toilet cubicles.

There is a grill above the toilet cubicles in the men's washroom at Islington station that appears to be approximately the same size as the one at Kipling. Police declined to say whether this was also a surveillance site.

Jack Townsend, head of the TTC's Safety and Security Department acknowledged the existence of the police surveillance post at Kipling station. He said the washroom was under periodic surveillance by the police. The TTC does not question police methods in the subway system because it is satisfied that the police are responding to explicit and valid complaints. He added, "Similar problems exist throughout the whole system."

According to police, four percent of arrests by plainclothes officers in the subway system in No. 2 district concern homosexual offences in washrooms. One percent of arrests in the district involved drug offences. Ninety percent of sexual activity that took place in the washrooms resulting in arrests, occurred in the open areas of the washroom or in a toilet cubicle with the door open, according to Sgt. T. Kelly. He said only a small percentage of washroom sexual offences were "non-consensual". Staff Sgt. Tyrell said there has been only one arrest for a sexual offence in the Kipling Station.

Staff Superintendent John Webster said homosexual activity was the least important form of subway crime in police priorities. But the police could not disregard complaints from the public and the TTC. He added: "Over and above that, we don't wait until the fire starts."

Sgt. Kelly said that on receipt of a complaint, plainclothes officers attend a subway washroom and take positions in the hidden surveillance area behind the toilet cubicles or inside the washroom itself. Often the suspect is gone by the time the police arrive. Therefore, periodic surveillance is conducted. He said hidden surveillance serves to detect the commission of drug offences and vandalism as well as sexual offences.

Staff Superintendent Webster said that even if the police did publicize the fact that washrooms were regularly patrolled, covert surveillance would be continued. He did not think the public would mind the invasion of privacy which

accompanied such surveillance if it deterred the commission of crimes. However, he was reticent about publicizing details of the nature of plainclothes operations.

In my unofficial interview with PC Jones, he said a plainclothes officer stationed inside a washroom to arrest persons caught performing indecent acts would have his performance judged by the number of arrests he made. He laughed at the suggestion that an officer might be given credit for the number of arrests prevented. His experience was that the only credit is for apprehending and for the number of arrests, not the prevention of crime.

I find that in some areas of police work there is far too little emphasis on crime prevention as opposed to the emphasis on making arrests. The policing of public washrooms is an example of this.

It cannot be contended that arrest is the only effective deterrent until simple, common sense preventive measures have been tried. Hidden surveillance of public washrooms must be of limited utility if, as Sgt. Kelly estimates, 90 per cent of sexually offensive behaviour occurs in the open areas of washrooms, which cannot be seen from the surveillance post. Lying in wait for an offender appears to be as inefficient as it is tedious. Publicizing the regular patrolling by uniformed and plainclothes police, would probably be as effective -- although on TTC property one is hard-pressed to see why the TTC should not take the patrolling responsibility. The aim should be to keep away people seeking sex, and not to subject them to the full force of the law.

In addition, structural changes could be made in problem washrooms, such as the lowering of walls and doors in toilet cubicles and the addition of partitions between urinals. Such changes in some washrooms apparently have had the desired effect. At present, the effort to apprehend people seeking washroom sex can result in the invasion of the privacy of any person who uses a toilet that comes under the watchful eyes of a policeman, or anyone else who has access to a secret surveillance post.

This is an example of the type of problem that could be resolved in consultation with representatives of the gay community.

(ii) Complaints against the Gay Community

The following, without naming individual police sources, is a general answer, drawn from numerous interviews and conversations, to complaints of how the police perform their duty in the gay community. It is noteworthy that there was a general attitude of restraint among people in criticism of the gay community during the study.

During a late night and early morning combined car and foot patrol of the downtown area with Staff Sgt. Brian Cove-Shannon, supervisor of the Area Foot Patrol, 52 Division, I observed that the police dealt fairly, politely and patiently with problems. It was obvious that the presence of uniformed police officers was resented by some members of the gay community on St. Joseph Street. One gay activist pointedly took photographs of police officers with what he said was infra-red film as the police tagged and towed illegally parked cars.

The street was congested, as it usually is in the early morning hours of a weekend, with patrons from after-hours gay establishments. Several residents, including gay residents, have complained of noise and trespassing on private property. Alderman Gordon Chong of Ward 6 is looking into the problem and in the meantime, the police have been avoiding confrontations over the issue.

In general, the police answer to complaints about their conduct in investigating and making arrests is that they are bound by duty to take action when they observe an unlawful act or believe an unlawful act is about to occur. A young policeman I spoke to during the study felt that the police should exercise discretion before taking the extreme step of making an arrest, but if he were in a bathhouse and observed an act specifically prohibited by the Criminal Code, such as buggery, he would feel duty-bound to make an arrest.

This sense of duty would not be an answer to what the gay community and the police often refer to as entrapment -- a policeman inducing another person to commit an unlawful act, such as indecent assault -- but it would be an answer to criticism of a policeman for arresting a couple having sex in plain view in a public park or some other public place, provided that heterosexual and homosexual couples were given equal treatment.

The strongest criticism of the gay community came from a senior officer who reported an incident during a gay demonstration following the bath house raids. The officer quoted the demonstrator as saying he performed homosexual acts,

that he was a teacher, and he would teach the sons of policemen to perform homosexual acts. He stated that after the bathhouse raids, gay demonstrators called policemen pigs and a policeman was spat on.

The officer said that members of the gay community frequently made charges of misconduct against police, but complained when the charges were found to be unfounded and the police retaliated by laying public mischief charges.

"What about the rights of policemen?" the senior officer asked. "The policeman is acting for the community (at large). They (the gays) don't think the policeman has a right to protect himself against the allegations."

Other police stated that complaints are lodged against police for misconduct but when the police diligently seek to prosecute the offender, the accusers refuse to co-operate in the investigation.

Another complaint was that the gay community was totally negative with regard to the police. The gay newspaper, Body Politic, for example, was constantly on the attack and had as much to do with creating poor relations as any police action.

Police complained that there was little appreciation for their handling of the crowd situation at the St. Charles Tavern, a gay bar and disco, on Halowe'en. Last year, instead of allowing a crowd to gather and permitting eggs to be thrown at gay people in costume, the police kept the crowds moving. There were no incidents. The police also complained that the gay community wants "its own special set of laws".

It is obvious from the foregoing that a gulf of mistrust and misunderstanding separates the police and the gay community. Before it widens further, before it grows even more bitter, the opening of a dialogue between the two groups is urgently needed. Such dialogues have been instituted between the police forces and gay communities of other cities as the basic ingredient in a recipe for good relations. In this context, it is instructive to examine briefly the police/gay relations in Vancouver and San Francisco.

7. GAY/POLICE RELATIONS: VANCOUVER

a) The Official Attitude Toward the Gay Community

The following proclamation was read to the people of Vancouver on August 2, 1981:

Office of the Mayor

CITY OF VANCOUVER

British Columbia

PROCLAMATION

"GAY UNITY WEEK '81"

WHEREAS	Respect for each citizen's civil liberties is a fundamental principle of our democratic society;
AND WHEREAS	The Gay community, visible ethnic minorities, women and many others are still striving for full and equal rights;
AND WHEREAS	The City of Vancouver is noted for its diverse endowment of communities and cultural groupings which afford its vigor and originality;
AND WHEREAS	Gay Unit Week '81 is a celebration of the coming together of Gay people and their friends in the building of a strong and self-supporting community;
AND WHEREAS	Gay Unit Week '81 is a declaration of the basic humanity and rights of Gay people as citizens and members of the community;
NOW THEREFORE	I, Michael Harcourt, Mayor of the City of Vancouver, DO HEREBY PROCLAIM the week of August 1 to August 7, 1981 as

"GAY UNITY WEEK '81"

(Signed) Michael Harcourt

Michael Harcourt

MAYOR

(CITY OF VANCOUVER SEAL)

An estimated 30,000 gay people live within two square miles in the heart of Vancouver's West End at the edge of its downtown area. The Mayor's proclamation creating Gay Unity Week '81 makes it abundantly clear that Vancouver's gay population is recognized as a community on a par with the visible and ethnic minorities and women. This contrasts sharply with the perception of gays in Toronto and it was partly to accentuate the differences, following the Toronto bathhouse raids, that the community organized Gay Unit Week.

This is not to say that the gay fact is totally accepted by Vancouver's population. Mayor Harcourt told me in an interview that he was criticized by members of the public after the proclamation was issued. He was not perturbed, nor was the gay community.

"The gay community does not feel isolated or threatened," he said. "It is not fully accepted by the general public -- but it is tolerated."

The mayor emphasized that in his view the main issue in the relationship with the gay community was not sex, but human rights. "They deserve human rights like everyone else."

Mayor Harcourt stated that the harmonious relations with the gay community have been brought about by political support at City Hall and by a formal dialogue with the police.

b) Vancouver's Gay/Police Dialogue

Once a month, a dialogue committee meets in Vancouver's Public Security Building -- police headquarters. The committee is made up of one or two senior police officers at the level

of superintendent and inspector and a "street level" officer, and up to six representatives of various gay organization.

The result has been a comfortable working relationship with the police, according to James Trenholme a former World War II fighter pilot, who co-ordinates the Society for Political Action for Gay People. The effort by police to maintain good relations was confirmed when I met about 12 gay leaders at a breakfast organized by Mr. Trenholme.

The present climate contrasts with the chill that existed between the police and the gay community as recently as two years ago, when the gay community organized an anti-police demonstration to protest against police brutality and inaction in dealing with complaints by gay people.

Doug Henderson, one of the gay activists, stated that the idea for the dialogue goes back about three years when a former senior policeman told him at dinner that police had once considered homosexuals to be criminals. He said that impression was difficult to change and he suggested that gay people should sit down with the police and get a dialogue going.

Among the changes that have taken place has been the training of police recruits to make them aware of the gay community. The gay leaders said new police are given strict instructions to treat gay people with the same courtesy and consideration due any citizen, and the instructions are carried out at street level.

The police make it a practice, the gay leaders said, to turn out in force at every major gay event. They wanted to know in advance of plans for the Gay Unity parade. The

purpose was to protect the gay community from anti-gay elements.

"There has been a total change and the only reason is that we meet constantly," Mr. Henderson said.

Vancouver Police Chief Robert Stewart told the study that the strength of the Dialogue was that meetings are on a regular basis and not only when issues arise.

Among items that have been dealt with are bathhouses, sex in parks, "street kids" (prostitution), sex and privacy in general, police complaints procedures, and relations with the population at large. An example of co-operation was an incident in which the police were receiving citizens' complaints of washroom sex in a park adjacent to high rise apartments. The gay representatives offered to post signs stating that the washroom was a public area and subject to police surveillance. However, they learned that a by-law prohibited the posting of signs in the park. The police co-operated by taking the matter up before the parks board and obtained an exemption from the sign-posting rule.

Chief Stewart stated that the Dialogues deal with "hot spot" complaints, and always take up areas where trouble is building.

In a reference to Toronto's bathhouse raids he said, "A word to the wise is sufficient -- that helps to diffuse the situation. It side tracks the kind of situation that develops in Toronto. In Vancouver, the enforcement step would be the last step."

I asked the Chief if he were satisfied that the gay members of the Dialogue Committee represented the gay community. He stated that not all of the members of the gay community belong to the formal organizations with which the police maintain a dialogue. He recognized that the organizations have differences among themselves. At the same time, there are groups within the gay community that the police recognize. The police are satisfied that the gay community "has great ease of communication" and so the Police Department feels that it communicates with the entire gay community through those organizations.

Gay community leaders gave much of the credit for the success of the formal liaison with the police to the support from city politicians. In Vancouver, unlike Toronto, the police force is managed by the City, and the Mayor automatically becomes Chairman of the Police Commission.

This is not to say that Vancouver police/gay relations are totally without friction. Some political factions in the gay community outside Vancouver suggest that the police do not make concessions in the way they enforce the laws -- but simply give the gay community an opportunity to "clean up its act" to avoid arrests. Members of the Vancouver gay community I spoke to, however, had no negative comments about the police.

The police complaints procedure, for example is not seen as an issue because gays seldom have complaints against police, and are satisfied that each complaint is diligently pursued by the police complaints investigators. A pamphlet issued by the Police Commission states there are four steps

to a complaint against police. The pamphlet, "How to Complain", says that 90 per cent of complaints are satisfied by a visit to the complaints officer at police headquarters. But dissatisfied citizens may then make a complaint in writing to the police, and if not satisfied with an internal investigation, they can take the measure to the Police Board -- a civilian group -- for a public hearing. Beyond that lies an appeal to the British Columbia Police Commission.

The manner in which the Criminal Code is enforced with relation to sexual offences is of interest to this study. With regard to gay bathhouses or washrooms, the Chief of Police said:

"Homosexual activity in bathhouses and washrooms is what usually surfaces in the public mind. We would deal with the gay organizations with regard to the problems. If that proved to be unsuccessful an action would be necessary."

"We are not trying to dictate morality. The fact that sex goes on in the bathhouses is known by reputation. If we are not receiving complaints concerning that kind of activity and it is a consenting adult in privacy doing that kind of thing -- we are not too concerned."

The policing of bathhouses is considered "a lower priority" in terms of police work. "We don't close our eyes to it. If we had nothing else to do we would probably be harassing that kind of operation in Vancouver too -- but I really don't think it fits a 'public place' concept."

Chief Stewart stated that the police maintain a degree of control over operations of that type to prevent organized crime activity.

The gay leaders said the presence of police at a gay establishment is not taken as intimidation -- it's assumed that they are there for the protection of members of the gay community.

"Police are prevention-oriented," one member stated. "The gay community listens to the police. There is an atmosphere of co-operation."

An example of the relationship was brought home graphically during the Gay Pride parade early in August. I saw a tape of the event in the offices of Gayblevision -- the community channel service operated by the gay community. At the end of the parade the marshal thanked the Vancouver police for providing an escort force. With the announcement, the large assembly of gay people gave the police an enthusiastic ovation.

It is my view that there is much to be gained in Toronto from Vancouver's example of a police/gay dialogue committee. We are not in precisely parallel situations -- management of the police force resides with the City government rather than with a provincially-oriented Metropolitan police commission -- and the gay community may be more concentrated in Vancouver. However, we have similar traditions, political systems and urban population mix and -- most significantly -- the same criminal law. It will be worthwhile to strive for the same spirit of tolerance, trust and co-operation.

8. GAY/POLICE RELATIONS: SAN FRANCISCO

San Francisco is frequently called the gay Mecca. It probably has the most benevolent climate for gay people in North America. One cannot say whether one-third of the city's population is gay because the climate is right, or the climate is right because there are so many gay people. There is probably truth in both statements.

In any event, San Francisco has many parallels with Toronto. It is about the same size with a population of about 700,000. It is a city within a metropolitan area (although there is no metropolitan government, such as Metropolitan Toronto). Most of San Francisco's police originate and live outside the city in its suburbs, much as the Metropolitan Police force is made up of police recruited from outside Metro and who live in the boroughs. The laws about sexual offences and morality are similar. The law also exempts from prosecution otherwise prohibited sex acts performed by consenting adults in private. However, the criminal law in force in San Francisco is California State law, while the criminal law in force in Toronto is federal law that applies to all of Canada. The charter that protects the human rights of San Francisco's citizens is a city human rights code, while the Human Rights Code in effect here is provincial legislation. The police force of San Francisco is managed by the city government, headed by Mayor Diane Feinstein, and a council called the Board of Supervisors. The mayor appoints the Police Commission.

San Francisco has had strained gay/police relations that cracked with one night of violence in May 1979. It was pre-

capitated by an unpopularly lenient verdict in the trial of Dan White, who had assassinated the city's pro-gay mayor and an openly gay Supervisor (alderman), Harvey Milk. Rioters attacked City Hall, smashed windows, threw rocks and burned police cars. When the civic centre was cleared, violence continued. The police decided to "take back the street" and that resulted in a virtual police riot in the core of the gay area.

This is not to suggest that the events that created that low point in police/gay relations in San Francisco in any way resemble the events that led to the current state of relations between the police and gay community in Toronto.

But the constructive steps that have been taken in San Francisco to build a working relationship out of the damage, provide a useful example for this city. The outline that follows touches on the main points and is far from comprehensive.

a) The City Administration

The commitment to maintain a good relationship with the gay community begins, as it does in Vancouver, at the top of the administrative ladder and touches every rung, including the policeman patrolling the street. The mayor is not gay, but she supports gay aspirations and is in turn supported by the political weight of the gay community. The mayor has organized her office staff to reflect the social and ethnic mix of the community -- and that includes gay people. Two members of her staff, Peter Nardoza and Steve Stratton, are gay, although their assignments are more general. Mr. Stratton, for example, works exclusively with minority groups. The purpose is to keep the

lines of communication open between the mayor's office and the community. The mayor's office is in the process of reaching into the community to tap the resource of abilities. That includes people in the gay community. Many are closeted, but through her lines of communication, the mayor knows how to reach them, Mr. Stratton said.

Mr. Stratton suggested that a primary step in improving relations in Toronto would be for the mayor to call in gay leaders to discuss the concerns of the community.

"If the mayor shows an inclination to listen -- and he's sincere -- people will come forward. There's no need for publicity in the building stage. You have to open the door somewhere so they can come in -- you have to open the channel."

In San Francisco, the Mayor has placed her own feelings about homosexuality aside, Mr. Nardoza said. "She says get the sex out of it -- let's deal with the person as a person. She can't understand homosexuality but there is a respect for homosexuals as human beings."

b) The Police Commission

One of the Mayor's powers is to appoint members of the Police Commission. Once installed, the five commissioners have the power to hire the Chief of Police. Mayor Feinstein's predecessor, Mayor Moscone, promised a police commission that would reflect the community, and would include two women. He appointed a black person, a Latino, and a single woman. He also promised to appoint a gay person, but was killed. Mayor Feinstein fulfilled that promise by appointing a lesbian, Jo Daly.

San Francisco police commissioners are, in effect, servants of the community. Their pay is \$90 a month and no expense account. The commission is an administrative body, has the duty to discipline and dismiss police officers, writes and approves policy statements and general orders. Policy statements can be changed, but general orders must go through the commission before they can be changed. A general order to the San Francisco police is that an officer may not leave a domestic situation without resolving it, whether heterosexual or gay.

San Francisco also has a washroom sex problem and a park sex problem. The parks tend to be dangerous for gay people, the commissioner said. The possibility exists of gay people being beaten up and murdered by hoodlums. As a result, the parks are patrolled by undercover police. Their job is not to arrest -- but to protect gay people. It is known as the gay patrol.

In San Francisco, about half the men who engage in washroom sex are not gay, Ms. Day said. They are "straight", married men looking for gay sex.

Recently, the District Attorney attempted to close up some sex clubs -- such as bathhouses -- and a book store that sold explicit gay sex books and provided a place in the back for quick sex. However, the bathhouse operators persuaded the District Attorney that as they required private membership to enter the premises, their baths were private places. The D.A. accepted this. Beyond the locked door, all sex activity is legal between consenting adults. (The California law does not

prohibit group sex.) The doors of California bathhouses warn patrons that they are entering a "sexually-oriented" club.

The book store also won an exemption when it showed the D.A. that sex went on behind a locked door and no one could enter unless he was a member of the book club -- thereby making it a private place.

c) The Police

(i) Police Liaison

The Community Relations branch of the San Francisco Police Department maintains a permanent liaison with the gay community. The liaison is carried out by Officer Paul Seidler, a 14-year veteran who has passed up promotion to continue the work he considers essential for the maintenance and improvement of police relations with the gay community. He explained how he saw his duties:

"I see my job mainly as a salesman to the gay community and I sell the Police Department. And to the Police Department I sell the gay community. I try to bring both together so that if we come up with problems that need solving we have some basis and some grounds by which we can speak, where we can work together.

"The whole brunt of police community relations work is that we are working ourselves out of a job because if we are effective we will get other officers to be community relations officers on their own. And when every officer is a community relations officer, then I won't be needed. I can go back to being a patrol officer on the street, and that's the thing we are working toward."

It had been suggested that Toronto might become "San Francisco north" -- a term implying that the gay population might increase with greater tolerance, and that this would have a negative impact on the city. I asked Officer Seidler whether the two-out-of-three San Franciscans who were not gay bore resentment for the one-third who were gay? He replied:

"One of the members of the Board of Supervisors (City Council) is an up-front homosexual. There is a meeting this week of gay men and women who are working within the Government, in private business and in the Sheriff's Department, who are leading full and active lives and very rewarding lives, not only for themselves but for the community at large. And I don't think when that sort of rewarding interchange is going on between an individual and a community that they live in and work in, and a community that is reaping the benefits of their interests and their labours -- I don't think you can say that there is any public outcry that these people be banned or stripped of their civil rights when they're playing such a responsible role in the total society. I don't find that at all here in San Francisco I'm very thankful that we don't."

(ii) Police Training

Officer Seidler plays another important role in police/gay relations: that of instructor in the San Francisco Police Gay and Lesbian Community Awareness Program for police recruits. The program consists of a 10-hour session, five hours of lectures and discussion and five hours of touring San Francisco's gay establishments with a gay person. The program was designed by

Larry Hughes and Del Dawson as part of the community relations training of police recruits. Officer Seidler takes part with Officer Dan Lomio, a police patrolman who is gay. The curriculum covers the history of the gay/lesbian movement in the 20th century; past and present police department viewpoints on the gay community; the psychological and sociological aspects of the gay community from the viewpoint of clergy or other professionals who are gay/lesbian; the law relevant to the gay community; gay youth, including street people and social services available in the community; an exploding of stereotypes; political impact of the gay/lesbian community and how it reflects on the police department; special needs and points of view among lesbians.

I have introduced parts of the Gay/Lesbian Awareness program in other parts of this study (see Chapter 3, The Gay Community). Having taken part in the full program, I can attest that although the curriculum may sound theoretical, the session itself is practical and down-to-earth. The curriculum, for example, does not mention a warning given to police recruits that the use of perjorative language in the station or on the street can result in loss of days without pay.

Another important aspect of the program is the almost total destruction of stereotyping. Police recruits who may have had conventional notions about homosexuals all being effeminate or adopting certain modes of dress, for example, came face-to-face with tough, masculine policemen, smartly dressed professionals and people in high positions in city government who said they were gay or lesbian. At the same time,

the lecture was a practical course in policing.

During the tour of establishments, young men and women who had had little contact with gay people found themselves shoulder to shoulder with homosexuals in crowded bars and discos through most of the night. The two young men in my group, under the guidance of Officer Lomio, were instructed almost exclusively in how to police the gay areas and places, rather than on sociological aspects of gay life-style.

The contrast between Toronto and San Francisco in policing techniques in public places was evident. Officer Lomio pointed to a number of secluded green areas he said were used by homosexuals for sex.

"If I can see anyone in my headlights," he told the recruits, "I figure they are a public nuisance and I tell them to find some other place. If they're in there but I can't see them, I figure they're not bothering anybody."

Officer Lomio told the recruits that at one time, police would turn down an alley they knew was being used for sex, turn on their bright lights and drive down, sweeping everyone out in a panic. He said the alley is still in use, and there are still complaints. He says he turns into the alley with lights out, drives in slowly with the window open and says:

"All right boys, the neighbours are complaining. Put away the pee-pees and go to the baths." The more gentle approach, he explained, produces the same results and maintains a good relationship,

(iii) Recruitment

The San Francisco Police Department does not have an official gay recruiting policy - but it co-operates with a gay community organization that seeks out recruits for the police.

The program known as Gay Outreach Program is co-ordinated by Les Morgan, a man in a business suit who "reaches out" into the gay community through advertising and word-of-mouth to encourage gay men and women to apply for police jobs. Part of the program is to provide the community with latest information on hiring schedules, and on the various tests that need to be passed. Since 1978, when the program began, Mr. Morgan says the he has discussed recruitment with 1,000 gay men and lesbians.

As a result, according to his latest bulletin, 21 gay men and women have completed their probationary year and are full employess on the San Francisco force, an additional 10 have completed training and 20 others are eligible to begin training.

He stated that the recruitment was an act of community relations between the police and the gay community. At the same time, it enables gay officers to explain to the gay community the stresses and problems of being a police officer. Part of the strain in relations between the gay community and the police is that the gay community in general does not understand the problems of being a police officer, Mr. Morgan said.

The outreach program does not use public funds. The program, with the co-operation of the police department, monitors the progress of gay recruits, and assists the police by making available data it gathers on the training programs. An article

in the San Francisco Examiner in May stated that 37 gay officers were known to be on duty in the city, and that one in seven new recruits is gay. The article states that the gay officers are mainly accepted by their fellow officers, but sometimes must endure gibes over the radio and washroom graffiti.

The Outreach program is not accepted without criticism in the gay community. The main reason is that the program does not insist that gay recruits announce they are gay when they join the force. In fact, most gay officers, according to the city's Human Rights Commission, remain in the closet to their fellow officers.

This indicates to the critics that the San Francisco police force is still homophobic enough to discourage open gayness. At the same time, the community relations benefit to the gay community is considered lost because the public is not aware of the presence of gay police officers.

The apparent good relations between the police and the gay community is not without other difficulties. Gay political groups are highly critical of the police method of handling citizens' complaints. Complaints against the misconduct of police are investigated by the police themselves, and the only review available is a hearing by the police commission. The discontent with the method of handling such complaints is as strong in some quarters as it is in Toronto, although a new complaints procedure is under study in the Mayor's office.

9. CONCLUSION AND RECOMMENDATIONS

The issue of relations between the police and the gay community of Toronto is a human problem. Moreover, it is a problem of the whole community. The City of Toronto, the Municipality of Metropolitan Toronto and the Province of Ontario -- all contribute to the problem and, therefore, all are needed to take part in the solution.

For the whole community, the first step in the process is to begin looking at homosexual men and women -- the gay community -- in a different way. The first step is to reject the misconception of the gay community as a criminal group, to stop seeing a homosexual as a potential outlaw or an inevitable victim of crime, to tear the mind away from the private and intimate moments of gay men and women and focus on the human beings who work, play and live in the community -- who are entitled to the same rights and subject to the same obligations as all citizens.

The elected heads of two other great cities have expressed this human concept with eloquent simplicity.

Mayor Mike Harcourt of Vancouver said the main issue is not sex, but human rights.

Mayor Diane Feinstein of San Francisco said get the sex out of it -- let's deal with the person as a person.

The two cities have also had a police/gay relationship crises. For them, applying the concept of the homosexual as a human being, the crisis has passed. Good relations and good will -- a better community -- are, for them, a reality.

The inevitable conclusion is that our community will be wise to take into account the courses followed by those cities toward better relations when we consider solutions for our own.

Working out solutions to such problems is not new to us as a community. In the past, through legislation and practice, we have dealt with racial and religious discrimination, with the problems of ethnic communities and visible minorities. The problem we are committed to solve today is no less a problem than that of racism.

This is not the first time we have seen a minority become suddenly vocal, complain of its treatment by the police, and demonstrate for its rights.

The gay minority has been isolated in society and then denied legitimacy to claim the rights of a minority. It has reacted. It has been angry. The anger can be understood, but anger has no place in the building of good relations.

The gay community, as well as the police, has a responsibility in the process, both toward the community at large and itself.

Although Toronto has much to learn from Vancouver and San Francisco, those cities differ from Toronto in many ways. Toronto is unique and we are bound to solve our problems uniquely.

A. COMMUNICATION

It has been obvious throughout the study, and particularly in the complaints and counter-complaints between the police and the gay community and the attitude that each has toward the other, that the relationship suffers from an almost total lack of effective communication. I have found almost universal support in the gay community, in the police, and in the various levels of government, for a type of liaison to correct this.

In this respect, I have borrowed on the San Francisco concept of a police liaison to the gay community and on the Vancouver concept of a dialogue committee. However, I am persuaded that because of the necessity, at the outset, to develop confidence in the process, something different is required for Toronto. Therefore:

1. I RECOMMEND THE ESTABLISHMENT OF A POLICE/GAY DIALOGUE COMMITTEE TO BE CONSTITUTED AS FOLLOWS:

POLICE: APPOINTMENT OF A MINIMUM OF TWO, PREFERABLY THREE OFFICERS, ONE OF THE RANK OF STAFF SUPERINTENDENT, AND AT LEAST ONE OF THE RANK OF SUPERVISOR (STAFF SERGEANT) FROM NO. 52 DIVISION. A THIRD POLICE APPOINTEE SHOULD BE DRAWN FROM NO. 5 DISTRICT OR 52 DIVISION.

THE GAY COMMUNITY: TWO, PREFERABLY THREE, REPRESENTATIVES, SELECTED BY DEMOCRATIC PROCESS BY THE COMMUNITY. SERIOUS CONSIDERATION SHOULD BE GIVEN TO SELECTION OF A LESBIAN, AND THIS SHOULD BE GUARANTEED IN A THREE-PERSON DELEGATION.

THE COMMUNITY: AN IMPARTIAL CHAIRPERSON. A PERSON ACCEPTABLE TO AND RESPECTED BY THE POLICE AND THE GAY COMMUNITY, TO SIT AS A PERMANENT CHAIRPERSON WITH A MANDATE TO ARBITRATE AND DECIDE ANY DISPUTED AREAS, TO BE APPOINTED BY THE CITY OF TORONTO.

I FURTHER RECOMMEND THAT THE POLICE GAY DIALOGUE COMMITTEE MEET ON A REGULAR BASIS NO LESS THAN ONCE IN ANY MONTH AT A PLACE TO BE AGREED UPON BETWEEN THE PARTIES OR, IN CASE OF DISAGREEMENT, TO BE DECIDED BY THE CHAIRPERSON.

- - - -

It is my view that a regular dialogue is the key to improved relations between the police and the gay committee. At the same time, the atmosphere should favour dialogue. Therefore:

2. I RECOMMEND THAT THE CHIEF OF POLICE CLARIFY TO ALL SENIOR OFFICERS, SUPERVISORS, AND CONSTABLES THAT THE GAY COMMUNITY CONSTITUTES A LEGITIMATE MINORITY WITHIN THE COMMUNITY, WHICH, AS A GROUP, IS ENTITLED TO THE SAME RIGHTS AS OTHER MINORITIES AND, WHOSE INDIVIDUAL MEMBERS ARE ENTITLED TO THE SAME RESPECT, SERVICE AND PROTECTION AS ALL LAW-ABIDING CITIZENS.

I RECOMMEND FURTHER THAT THE CHIEF OF POLICE MAKE IT CLEAR THAT THE GAY COMMUNITY IS NOT TO BE SINGLED OUT FOR SPECIAL ATTENTION BY THE POLICE AND THAT POLICE, WHETHER IN UNIFORM OR PLAINCLOTHES, WILL ATTEND GAY COMMUNITY FUNCTIONS ONLY ON REQUEST OR BY HIRE IN THE ABSENCE OF EXTRAORDINARY CIRCUMSTANCES.

AND I RECOMMEND THAT BOTH OF THE ABOVE CLARIFICATIONS BE MADE PUBLIC.

- - - -

It was apparent during the study that police management is strongly opposed to the use of abusive language by police officers in their dealings with the public. However, reports of the use of language both abusive and vulgar persist. There appears to be no restraint at all on the use of racial slurs and pejorative terms among police officers at the station or in the locker rooms. The customary use of such language in "verbal horseplay" increases the chances of its use in public. When asked why such language is not discouraged, a supervisor stated: "I'd lose my men". It follows that directives on the use of abusive language are ineffective at the station and, therefore, less effective than they should be "on the street". This is a problem that requires both education and firmness. Therefore:

3. I RECOMMEND THAT THE CHIEF OF POLICE ISSUE A NEW DIRECTIVE ON THE USE OF ABUSIVE LANGUAGE, EXPLAINING THE UNDESIRABILITY OF THE USE OF SUCH LANGUAGE AT ANY TIME, AND ORDERING SUPERVISORS TO BE DILIGENT IN DISCOURAGING ITS USE AMONG POLICE PERSONNEL IN THE STATION AS WELL AS

IN PUBLIC. IT SHOULD BE CLEAR THAT INFRACTIONS MAY
RESULT IN DISCIPLINARY ACTION.

- - - - -

The use of language can have the effect of perpetuating the association of the gay community with crime. For example, such language in police reports as "homosexual murder", "homosexual rape", or "known homosexual" imply an association with criminal activity whether the homosexual was the criminal or the victim. The lack of utility of such language becomes clear if one substitutes "heterosexual" for homosexual. While I make no formal recommendation in this area, I suggest that discussion of this matter in the proposed Police/Gay Dialogue would lead to greater sensitivity in the preparation of statements.

- - - - -

Surveillance of public washrooms is continuing. Apart from the undesirable implications for the privacy of innocent citizens who use public facilities, the technique is undignified and ineffecient, and arrests often lead to personal hardships that go far beyond the punishment prescribed for washroom sex. A similar comment may be made with regard to sex in public parks. My understanding is that these are recognized as problem areas by the gay community, as well. Therefore:

4. I RECOMMEND THAT UNDERCOVER SURVEILLANCE OF PUBLIC WASHROOMS BE DISCONTINUED AND THAT A MORATORIUM BE PLACED ON ARRESTS OF PERSONS SUSPECTED OF ENGAGING IN SEX IN PUBLIC PARKS, AND THAT THE POLICE CONSULT WITH THE GAY

COMMUNITY, THROUGH THE PROPOSED POLICE/GAY DIALOGUE, IN SEEKING A SOLUTION TO THESE PROBLEM AREAS.

- - - - -

Creation of a proper atmosphere for dialogue calls for good faith on the part of both parties. The gay community, while it may argue justification, has frequently been provocative and intemperate in language and deed when dealing with police. The gay press, for example, has been unrelenting in its attack on the police and the criminal justice system. Therefore:

5. I RECOMMEND THAT LEADERS OF GAY COMMUNITY ORGANIZATIONS URGE UPON THE GAY COMMUNITY THE VALUE OF A MODERATE STANCE TOWARD THE POLICE, LAW OFFICIALS AND GOVERNMENT IN KEEPING WITH AN ATMOSPHERE OF DIALOGUE.

- - - - -

B. LAW ENFORCEMENT

The section on The Law in this report indicates that the law related to sexual offences has been handed down by the Church by way of mid-Victorian England. The law is uncertain and court decisions have done little to dispel the confusion. An amendment proposed by the Federal Government would shed no new light on what constitutes a bawdy-house. In view of this, and in view of the trauma in the community resulting from such police actions as the bathhouse raids, discretion in enforcing the law would be in order where there are no unwilling participants to sex acts among adults, no unwilling observers, and no minors present. Where there is evidence that such acts exceed what the public is willing to tolerate, then it would be in order to issue

a warning. This would be the type of problem that would be raised at regular meetings of the Police/Gay Dialogue Committee. With such a policy of law enforcement in the case of bathhouses, for example, there would be no need for raids, no need for mass arrests of found-ins. Therefore:

6. I RECOMMEND THAT THE POLICY ON LAW ENFORCEMENT BE VARIED IN THE CASE OF SEXUAL PRACTICES AMONG ADULTS WHERE THERE ARE NO UNWILLING PARTICIPANTS, OR UNWILLING OBSERVERS, OR MINORS PRESENT. I FURTHER RECOMMEND THAT GUIDELINES BE ISSUED GIVING SUCH ACTS IN SUCH CIRCUMSTANCES A LOWER ORDER OF PRIORITY IN POLICE BUSINESS.

- - - - -

One of the anomalies of the law related to sexual offences is that a person's private home may be declared a common bawdy-house. This has come about where police have answered personal advertisements, and encouraged the accused to actions for which he is arrested in his home. Such "entrapment" techniques have exacerbated police/gay relations. Therefore:

7. I RECOMMEND THAT THE POLICY VARIATION IN LAW ENFORCEMENT AND THE GUIDELINES RECOMMENDED IN NO. 6 BE APPLIED EXPRESSLY TO ENTRAPMENT TECHNIQUES, SO THAT SUCH TECHNIQUES WILL BE DISCONTINUED IN CASES INVOLVING ADULT PARTICIPANTS IN SEX ACTS CONDUCTED IN PRIVATE.

C. TRAINING, EDUCATION AND RECRUITMENT

The training of police recruits includes two hours of community relations, or multiculture training in a 33-week program. Attitude and behavioural instruction occupy 90 minutes of a recruit's total training. No instruction is given concerning the gay community in either course or in any other part of the program. By contrast, recruits in the San Francisco Police Department receive separate sensitivity lectures on each of the "ethnic" communities that make up the population. The 10-hour gay/lesbian awareness program is within this format. Obviously, to include a similar program in the present training scheme in Metro Toronto would be a radical change. However, the interviews with police at various levels during the study make it clear that police carry with them to the street preconceived impressions of minority groups, particularly homosexuals. A training program to acquaint young officers with factual information about minority groups, including the gay community, presented sensitively, is an essential element in the training of police in a multicultural community.

The most effective method of instruction of this kind would be to use members of the minorities as lecturers with respect to their own groups. Because of my limited mandate, I make no recommendation on the establishment of a broad multicultural awareness program that is obviously needed. I will recommend an awareness program with respect to the gay community and, in view of the total lack of exposure to the gay community during training and the poor state of relations between the

police and gay community, urge that such a program be put in place as quickly as possible. Therefore:

8. I RECOMMEND THAT A GAY AWARENESS PROGRAM BE ESTABLISHED AS A REGULAR PART OF THE TRAINING CURRICULUM FOR RECRUITS OF THE METRO POLICE FORCE. THE PROGRAM SHOULD BE DESIGNED WITHOUT DELAY IN CONSULTATION WITH QUALIFIED MEMBERS OF THE GAY COMMUNITY WITH A CLEAR FOCUS ON RELATIONS BETWEEN THE POLICE AND THE GAY COMMUNITY. THE PROGRAM SHOULD INCLUDE MEMBERS OF THE GAY COMMUNITY AS FAR AS POSSIBLE AND PREFERABLY INCLUDE GAY POLICE OFFICERS OR FORMER POLICE OFFICERS WHO ARE GAY, AND SHOULD INCLUDE A GUIDED TOUR OF GAY ESTABLISHMENTS.

I RECOMMEND FURTHER THAT EXPERIENCED POLICE OFFICERS, PARTICULARLY THOSE BASED IN THE DOWNTOWN AREA, BE REQUIRED TO TAKE PART IN THE GAY AWARENESS PROGRAM ON A ROTATING BASIS AT LEAST ONCE IN THEIR CAREERS.

The police management recognizes the need for a community relations program in the training curriculum. Such a program should be instituted, but that major project should not be permitted to delay the start of the Gay Awareness Program.

- - - - -

As the report shows, the average education of Metro police upon joining the force is grade 12. About 85 per cent of the force was at this educational level or below upon recruitment. Although a percentage of younger police are upgrading

their education through force-related programs. The chart and graph on pages 88A and 88B illustrate that the senior ranks of the police predominately earned their position through experience rather than formal education. The chart data also shows the small portion of the total force (about 2 per cent) that has university education is mainly concentrated in the junior levels. The force has a continuing policy of promotion through the ranks. I was told it requires about 10 years to reach the rank of sergeant.

It is obvious that, while the pool of university-educated young men and women grows, the police force is not attracting them in significant numbers. One reason may be the slow elevation through the ranks that awaits a university graduate. One hundred and thirteen police joined the force with a B.A., 4 with an M.A. degree.

Studies have shown that the highest level of tolerance for minorities, and particularly gays, is found in persons with higher education. A multicultural environment such as that of Toronto, in a society growing in complexity and sophistication, requires a well-educated police force. Therefore:

9. I RECOMMEND THAT THE METROPOLITAN TORONTO POLICE FORCE ESTABLISH A LONG-RANGE PROGRAM TO RAISE THE EDUCATIONAL LEVEL OF THE FORCE, PARTICULARLY IN THE MIDDLE AND SENIOR RANKS, AND THAT SUCH A PROGRAM INCLUDE A REVISION OF THE PROMOTION POLICY OF THE FORCE WITH A VIEW TO OFFERING GREATER OPPORTUNITIES IN POLICE WORK FOR RECRUITS WHO ENTER WITH HIGHER EDUCATION.

The study revealed an unfriendly, if not hostile environment for gay policemen and women within the police force. It is estimated that a small percentage of police on the force are gay. Former police who are gay state that they were under constant pressure because of fear that their gayness would be revealed. In keeping with the Clement report, it has been the policy of the Metro police to carry out hiring practices that reflect the population mix. The Clement recommendations did not include gays on the ground that its terms of reference were restricted to the "ethnic" mix. This study has found that the gay population constitutes a legitimate, viable community and that the gay population should now be taken into account in any formula that seeks to reflect the makeup of the community at large.

These recommendations include one for a program for recruiting gay people into the Metro Police. The program calls for the co-operation of police management, the Metro Police Association, the Ontario Government and the gay community itself. Therefore:

10. I RECOMMEND THAT THE CHIEF OF POLICE AND HIS STAFF OF SENIOR OFFICERS CO-OPERATE IN A JOINT COMMUNITY PROGRAM TO RECRUIT GAY MEN AND WOMEN INTO THE POLICE FORCE.

The Mayor's Committee on Community and Race Relations

has recently established a Working Sub-Committee On Policing. The terms of reference include the promotion of "mutual understanding and respect between racial, cultural, ethnic and religious minorities." The Sub-Committee will "seek solutions to problems which have been identified in the areas of Police recruitment, hiring, training, promotion and community Police relations." The work of the Sub-Committee should include the gay community and a liaison with a Joint Community Program.

The gay community has been virtually isolated within the larger community. Yet it is a source of talent, skills and ideas -- assets that have been untapped for the benefit of the community-at-large. Relations between the gay population and the civic administration have been mainly on the level of confrontation. A far more productive course would be to open channels between the gay community and the administration. This would have the mutual benefit of bringing the gay community into the mainstream of our society and giving society access to the potential of the gay community.

Therefore:

11. I RECOMMEND THAT THE WORKING SUB-COMMITTEE ON POLICING OF THE MAYOR'S COMMITTEE ON COMMUNITY AND RACE RELATIONS INCLUDE THE GAY COMMUNITY IN ITS TERMS OF REFERENCE AND IN ITS MEMBERSHIP AND THAT IT PARTICIPATE FULLY IN THE PROPOSED JOINT COMMUNITY PROGRAM.

D. OPENING CHANNELS

I also suggest, without making a formal recommendation, that the Working Sub-Committee use its good offices to open public channels to the Metro Police Commission. One method of doing this would be to arrange with two or more members of the Commission to hold a series of public hearings to determine the problems experienced by individual groups with respect to policing. This would provide a direct channel to the Commission for the community, including the gay community.

The Commission is made up of five men, three of whom appointed directly by the Government of Ontario. The other two represent Metropolitan Toronto. Most of the submissions received by the study made strong representations for a police commission more representative of the community it serves. I concur in these submissions and therefore:

12. I RECOMMEND THAT THE PROVINCIAL GOVERNMENT GIVE CONSIDERATION TO AMENDING THE MUNICIPALITY OF METROPOLITAN TORONTO ACT WITH RESPECT TO THE BOARD OF COMMISSIONERS OF POLICE TO PROVIDE A FORMULA THAT WOULD MAKE THE POLICE COMMISSION REPRESENTATIVE OF THE COMMUNITY. THE AMENDMENT SHOULD, AMONG OTHER THINGS, PROVIDE FOR A WOMAN MEMBER, AND FOR REPRESENTATION OF ETHNIC AND CULTURAL GROUPS, WHICH MAY FROM TIME TO TIME INCLUDE THE GAY COMMUNITY.

Since 1973, sexual orientation has been included in the City of Toronto anti-discrimination hiring policy under a resolution passed by City Council. In 1979, the Metropolitan Toronto Council declined a proposal that it follow the City's example. As this study has clearly revealed, there remain no legitimate reasons for denying the gay community legitimacy, or its members, citizens of Metropolitan Toronto, the dignity due all citizens. Nor is it fitting for the Municipality of Metropolitan Toronto to be found wanting in this area of human rights. Therefore:

13. I RECOMMEND THAT THE METROPOLITAN TORONTO COUNCIL FOLLOW THE EXAMPLE SET BY THE CITY OF TORONTO EIGHT YEARS AGO AND PROHIBIT DISCRIMINATION IN HIRING ON THE GROUNDS OF SEXUAL ORIENTATION.

E. HUMAN RIGHTS

The information gathered during this study has emphasized again the glaring flaw in the Ontario Human Rights Code, the absence of sexual orientation as a prohibited ground for discrimination. I considered the issue sufficiently important to devote an entire section to it.

Ontario is the pioneer and model for human rights legislation in Canada. For reasons that remain unclear, the Code which "sprouted hesitantly under Premier George Drew in 1940s, bloomed and flourished under Leslie Frost in the 1950s, and matured under John Robarts in the 1960s" (page 109 of the Report) has suffered arrested development under the present Government in the 1970s. Amendments to the Code are now being debated, but all submissions since 1977 calling for the inclusion of sexual orientation have fallen on deaf ears. Furthermore, the omission is supported by the majority of members of the Metro Police Association, according to its president, precisely so that the police may discriminate lawfully against gays in their hiring practices. There appears to be no rational reason for this omission.

Therefore:

14. I RECOMMEND THAT THE GOVERNMENT OF ONTARIO AMEND ITS POLICY ON HUMAN RIGHTS LEGISLATION TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, HOUSING, AND SERVICES, AND ALL OTHER AREAS WHERE THE HUMAN RIGHTS CODE PROHIBITS DISCRIMINATION, ON ACCOUNT OF SEXUAL ORIENTATION.

F. SOCIAL SERVICES

Gay youth, particularly young men who turn to street prostitution, are a social problem for the gay community as well as the community-at-large. Mainly, they are "runaways and throwaways". The section of this report on Gay Youth outlines their circumstances in great detail. The association of youth and homosexuality has proven difficult for society to deal with. Attempts by one organization, the Tri-Aid Charitable Foundation, to open a group home failed when the Ontario Government refused to register it as a children's boarding home. The need for a group home for gay youth is not disputed. This is an area where the gay community has a special responsibility. The business sector of the community particularly, seems obligated to expend some of its resources on a project of this kind as a basis for a net of social services required by the gay community. Therefore:

15. I RECOMMEND THAT GAY COMMUNITY LEADERS, PARTICULARLY IN THE BUSINESS SECTOR, TAKE THE INITIATIVE IN SEEING THAT SUITABLE SOCIAL SERVICES ARE PROVIDED FOR THE CARE AND GUIDANCE OF HOMELESS GAY YOUTH. THE GAY COMMUNITY SHOULD MAKE GAY YOUTH A SPECIAL AREA OF CONCERN FOR THE POLICE/GAY DIALOGUE COMMITTEE WITH RESPECT TO POLICING OF STREET PROSTITUTION.

G. PROPOSAL FOR A JOINT COMMUNITY PROGRAM FOR
RECRUITMENT OF GAY PEOPLE TO THE POLICE

One of the most effective ways to bring about good relations between the police and the gay community would be the entry of openly gay men and women into the police force. At present, there appears to be strong opposition to gays among the members of the Police Association. At the same time, senior officers have stated they would not oppose gay police who performed their work professionally. Acceptance on the part of Association members, if it ever comes, will be slow. And when it does come, there will be a threshold problem: a person must first enter the force before running up a track record.

To facilitate entry into the force, I propose a joint community program, which basically would be an "outreach" program operated by the gay community. The community would encourage members to seek positions in the police under this scheme. I would anticipate co-operation from the force through the Police/Gay Dialogue. A third partner in the venture would be the City of Toronto Working Sub-Committee on Policing. Also anticipated is the co-operation of the Police Commission through contact with the working Sub-Committee. A fifth possible partner would be the Ontario Government, which would lend strength to the project by including sexual orientation in the Human Rights Code. With all these community forces working together for better relations, such a program would surely succeed. Therefore:

16. I RECOMMEND A JOINT COMMUNITY PROGRAM FOR RECRUITMENT TO THE POLICE INVOLVING THE GAY COMMUNITY, WORKING SUB-COMMITTEE ON POLICING, THE METROPOLITAN TORONTO POLICE, THE POLICE COMMISSION AND THE PROVINCE OF ONTARIO.

10. SUMMARY OF RECOMMENDATIONS

1. THE ESTABLISHMENT OF A POLICE/GAY
DIALOGUE COMMITTEE TO BE CONSTITUTED AS FOLLOWS:

POLICE: APPOINTMENT OF A MINIMUM OF TWO,
PREFERABLY THREE OFFICERS, ONE OF THE RANK OF
STAFF SUPERINTENDENT, AND AT LEAST ONE OF THE RANK
OF SUPERVISOR (STAFF SERGEANT) FROM NO. 52
DIVISION. A THIRD POLICE APPOINTEE SHOULD BE
DRAWN FROM NO. 5 DISTRICT OR 52 DIVISION.

THE GAY COMMUNITY: TWO, PREFERABLY THREE,
REPRESENTATIVES, SELECTED BY DEMOCRATIC PROCESS
BY THE COMMUNITY. SERIOUS CONSIDERATION SHOULD
BE GIVEN TO SELECTION OF A LESBIAN, AND THIS
SHOULD BE GUARANTEED IN A THREE-PERSON DELEGATION.

THE COMMUNITY: AN IMPARTIAL CHAIRPERSON.
A PERSON ACCEPTABLE TO AND RESPECTED BY THE POLICE
AND THE GAY COMMUNITY, TO SIT AS A PERMANENT
CHAIRPERSON WITH A MANDATE TO ARBITRATE AND DECIDE
ANY DISPUTED AREAS, TO BE APPOINTED BY THE CITY
OF TORONTO.

FURTHER RECOMMENDED THAT THE POLICE/GAY
DIALOGUE COMMITTEE MEET ON A REGULAR BASIS NO LESS
THAN ONCE IN ANY MONTH AT A PLACE TO BE AGREED
UPON BETWEEN THE PARTIES OR, IN CASE OF DISAGREEMENT,
TO BE DECIDED BY THE CHAIRPERSON.

2. THAT THE CHIEF OF POLICE CLARIFY TO ALL SENIOR OFFICERS, SUPERVISORS, AND CONSTABLES THAT THE GAY COMMUNITY CONSTITUTES A LEGITIMATE MINORITY WITHIN THE COMMUNITY, WHICH, AS A GROUP, IS ENTITLED TO THE SAME RIGHTS AS OTHER MINORITIES AND WHOSE INDIVIDUAL MEMBERS ARE ENTITLED TO THE SAME RESPECT, SERVICE AND PROTECTION AS ALL LAW-ABIDING CITIZENS.

IT IS RECOMMENDED FURTHER THAT THE CHIEF OF POLICE MAKE IT CLEAR THAT THE GAY COMMUNITY IS NOT TO BE SINGLED OUT FOR SPECIAL ATTENTION BY THE POLICE AND THAT POLICE, WHETHER IN UNIFORM OR PLAINCLOTHES, WILL ATTEND GAY COMMUNITY FUNCTIONS ONLY ON REQUEST OR BY HIRE IN THE ABSENCE OF EXTRAORDINARY CIRCUMSTANCES.

AND IT IS RECOMMENDED THAT BOTH OF THE ABOVE CLARIFICATIONS BE MADE PUBLIC.

3. THAT THE CHIEF OF POLICE ISSUE A NEW DIRECTIVE ON THE USE OF ABUSIVE LANGUAGE, EXPLAINING THE UNDESIRABILITY OF THE USE OF SUCH LANGUAGE AT ANY TIME, AND ORDERING SUPERVISORS TO BE DILIGENT IN DISCOURAGING ITS USE AMONG POLICE PERSONNEL IN THE STATION AS WELL AS IN PUBLIC. IT SHOULD BE CLEAR THAT INFRACTIONS MAY RESULT IN DISCIPLINARY ACTION.

4. THAT UNDERCOVER SURVEILLANCE OF PUBLIC WASHROOMS BE DISCONTINUED AND THAT A MORATORIUM BE PLACED ON ARRESTS OF PERSONS SUSPECTED OF ENGAGING IN SEX IN PUBLIC PARKS, AND THAT THE POLICE CONSULT WITH THE GAY COMMUNITY THROUGH THE PROPOSED POLICE/GAY DIALOGUE, IN SEEKING A SOLUTION TO THESE PROBLEM AREAS.

5. THAT LEADERS OF THE GAY COMMUNITY ORGANIZATIONS URGE UPON THE GAY COMMUNITY THE VALUE OF A MODERATE STANCE TOWARD THE POLICE, LAW OFFICIALS AND GOVERNMENT IN KEEPING WITH AN ATMOSPHERE OF DIALOGUE.

6. THAT THE POLICY ON LAW ENFORCEMENT BE VARIED IN THE CASE OF SEXUAL PRACTICES AMONG ADULTS WHERE THERE ARE NO UNWILLING PARTICIPANTS, OR UNWILLING OBSERVERS, OR MINORS PRESENT. IT IS FURTHER RECOMMENDED THAT GUIDELINES BE ISSUED GIVING SUCH ACTS IN SUCH CIRCUMSTANCES A LOWER ORDER OF PRIORITY IN POLICE BUSINESS.

7. THAT THE POLICY VARIATION IN LAW ENFORCEMENT AND THE GUIDELINES RECOMMENDED IN NO. 6 BE APPLIED EXPRESSLY TO ENTRAPMENT TECHNIQUES, SO THAT SUCH TECHNIQUES WILL BE DISCONTINUED IN CASES INVOLVING ADULT PARTICIPANTS IN SEX ACTS CONDUCTED IN PRIVATE.

8. THAT A GAY AWARENESS PROGRAM BE ESTABLISHED AS A REGULAR PART OF THE TRAINEE CURRICULUM FOR RECRUITS OF THE METRO POLICE FORCE. THE PROGRAM SHOULD BE DESIGNED WITHOUT DELAY IN CONSULTATION WITH QUALIFIED MEMBERS OF THE GAY COMMUNITY WITH A CLEAR FOCUS ON RELATIONS BETWEEN THE POLICE AND THE GAY COMMUNITY. THE PROGRAM SHOULD INCLUDE MEMBERS OF THE GAY COMMUNITY AS FAR AS POSSIBLE AND PREFERABLY INCLUDE GAY POLICE OFFICERS OR FORMER POLICE OFFICERS WHO ARE GAY, AND SHOULD INCLUDE A GUIDED TOUR OF GAY ESTABLISHMENTS.

RECOMMENDED FURTHER THAT EXPERIENCED POLICE OFFICERS, PARTICULARLY THOSE BASED IN THE DOWNTOWN AREA, BE REQUIRED TO TAKE PART IN THE GAY AWARENESS PROGRAM ON A ROTATING BASIS AT LEAST ONCE IN THEIR CAREERS.

9. THAT THE METROPOLITAN TORONTO POLICE FORCE ESTABLISH A LONG-RANGE PROGRAM TO RAISE THE EDUCATIONAL LEVEL OF THE FORCE, PARTICULARLY IN THE MIDDLE AND SENIOR RANKS, AND THAT SUCH A PROGRAM INCLUDE A REVISION OF THE PROMOTION POLICY OF THE FORCE WITH A VIEW TO OFFERING GREATER OPPORTUNITIES IN POLICE WORK FOR RECRUITS WHO ENTER WITH HIGHER EDUCATION.

10. THAT THE CHIEF OF POLICE AND HIS STAFF OF SENIOR OFFICERS CO-OPERATE IN A JOINT COMMUNITY PROGRAM TO RECRUIT GAY MEN AND WOMEN INTO THE POLICE FORCE.

11. THAT THE WORKING SUB-COMMITTEE ON POLICING OF THE MAYOR'S COMMITTEE ON COMMUNITY AND RACE RELATIONS INCLUDE THE GAY COMMUNITY IN ITS TERMS OF REFERENCE AND IN ITS MEMBERSHIP AND THAT IT PARTICIPATE FULLY IN THE PROPOSED JOINT COMMUNITY PROGRAM.

12. THAT THE PROVINCIAL GOVERNMENT GIVE CONSIDERATION TO AMENDING THE MUNICIPALITY OF METROPOLITAN TORONTO ACT WITH RESPECT TO THE BOARD OF COMMISSIONERS OF POLICE TO PROVIDE A FORMULA THAT WOULD MAKE THE POLICE COMMISSION REPRESENTATIVE OF THE COMMUNITY. THE AMENDMENT SHOULD, AMONG OTHER THINGS, PROVIDE FOR A WOMAN MEMBER, AND FOR REPRESENTATION OF ETHNIC AND CULTURAL GROUPS, WHICH MAY FROM TIME TO TIME INCLUDE THE GAY COMMUNITY.

13. THAT THE METROPOLITAN TORONTO COUNCIL FOLLOW THE EXAMPLE SET BY THE CITY OF TORONTO EIGHT YEARS AGO AND PROHIBIT DISCRIMINATION IN HIRING ON THE GROUNDS OF SEXUAL ORIENTATION.

14. THAT THE GOVERNMENT OF ONTARIO AMEND ITS POLICY ON HUMAN RIGHTS LEGISLATION TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, HOUSING, AND SERVICES, AND ALL OTHER AREAS WHERE THE HUMAN RIGHTS CODE PROHIBITS DISCRIMINATION, ON ACCOUNT OF SEXUAL ORIENTATION.

15. THAT GAY COMMUNITY LEADERS, PARTICULARLY IN THE BUSINESS SECTOR, TAKE THE INITIATIVE IN SEEING THAT SUITABLE SOCIAL SERVICES ARE PROVIDED FOR THE CARE AND GUIDANCE OF HOMELESS GAY YOUTH. THE GAY COMMUNITY SHOULD MAKE GAY YOUTH A SPECIAL AREA OF CONCERN FOR THE POLICE/GAY DIALOGUE COMMITTEE WITH RESPECT TO POLICING OF STREET PROSTITUTION.

16. I RECOMMEND A JOINT COMMUNITY PROGRAM FOR RECRUITMENT TO THE POLICE INVOLVING THE GAY COMMUNITY, WORKING SUB-COMMITTEE ON POLICING, THE METROPOLITAN TORONTO POLICE, THE POLICE COMMISSION AND THE PROVINCE OF ONTARIO.

APPENDIX I

A BRIEF HISTORY OF GAY/POLICE RELATIONS IN TORONTO

December 30, 1977

Police raid the offices of the Body Politic, Toronto's gay newspaper. Three directors of the Pink Triangle Press, the publisher, are charged with using the mails for the purpose of transmitting indecent, immoral or scurrilous matter, contrary to Section 164 of the Criminal Code. Subscription lists, corporate and financial information are seized. The three were acquitted of the charges in February, 1979. The Crown appealed, the acquittal was set aside and a new trial ordered. The defendant's appeal to reverse that order was dismissed.

December 9, 1978

The Barracks bathhouse is raided by police. Twenty-eight persons are arrested and charged with bawdy-house offences. Of the five persons charged with keeping a common bawdy-house, three are acquitted and two are given conditional discharges. on June 12, 1981.

December 18, 1978

After the Barracks raid, a police officer notifies the employers of three teachers of the charges against them. In January 1979, Fiona Nelson, Chairperson of the Toronto Board of Education, is reported as saying the police action displayed "dreadful impropriety". In May, 1979 the Police Commission decides the officer has not committed a disciplinary offence.

March 20, 1979

The Police Association publication, News and Views, contains an anti-homosexual article in its March edition, written by a staff sergeant. Deputy Chief Ackroyd and Police Commission Chairman, Phil Givens, state that disciplinary action is not appropriate. In April, 1979, City of Toronto Council unanimously supports a motion censuring the Police Association, demands the publication of an apology and a clear statement of its attitudes to sexual orientation. The resolution was later presented to the Police Commission.

April, 1979

Members of the gay community present a brief entitled Our Police Force Too to the Police Commission, which included 10 demands.

June, 1979

Gays demonstrate outside police headquarters on Jarvis Street demanding the return of records seized in raids on the Body Politic and the Barracks.

June, 1979

A man is charged with keeping a common bawdy-house in his own home after a police officer answers an advertisement placed by the accused in a gay publication. Judgment is to be delivered on September 24, 1981.

June, 1979

Metro Council decides not to follow the City of Toronto's lead in passing a resolution prohibiting the refusal of civic employment on the grounds of sexual orientation (in force since October 10, 1973).

June 1979

Police surveillance of Greenwin Square public washroom, which results in 34 separate arrests, ends when the City Buildings Department orders the toilet cubicle used for this purpose to be brought up to City standards.

October, 1979

Cardinal Carter in his report on police-minority relations says homosexual acts limited to a private dimension should not be of concern to the police. He asks police officers to desist from verbally insulting citizens.

October 11, 1979

The Hot Tub Club steambath is raided. Fourteen persons were charged as found-ins, six as keepers under bawdy-house criminal provisions.

December, 1979

A Police Commission sub-committee on police-minority relations is established as a result of the Carter Report. Representatives of the gay community attend the first meeting but are not invited again.

June, 1980

The Police Commission appoints Staff Superintendant Eric Wright as race relations officer.

October 23, 1980

Ellen Pomer charges that she found homophobic literature on the counter of 52 Division headquarters.

February 5, 1981

About two hundred Metropolitan Toronto Police in plain-clothes and uniform simultaneously raid four bathhouses patronized mainly by gay men, following a six-month undercover investigation. Two hundred and eighty-six men were charged as found-ins and twenty men were charged with keeping a common bawdy-house. The raid is denounced by many politicians and civil libertarians.

February 6 and 7, 1981

More than three thousand gay people demonstrate against the February 5 raids. Violence was reported to have occurred at Yonge and Dundas Streets where protesters tussled with police and counter-demonstrators. Property damage was also reported. Two hundred and fifty police officers formed a ring around 52 Division headquarters on Dundas Street West. The demonstration ended at Queen's Park.

February 10, 1981

One thousand people, mostly gay, attend a public meeting at Jarvis Collegiate to provide support for persons charged in the February 5 raids.

February 10, 1981

Toronto Mayor, Arthur Eggleton asks police Chief Jack Ackroyd to launch an investigation into police conduct during the raids.

February 12, 1981

Attorney General, Roy McMurtry refuses to comply with the demand of the Canadian Civil Liberties Association for an independent inquiry into the February 5 raids.

February 15, 1981

Rev. Brent Hawkes begins a hunger strike which he vows to continue until an inquiry into the raids is ordered.

February 20, 1981

Four thousand gays march from Queen's Park to 52 Division Headquarters in protest against alleged police harassment. Undercover police officers are photographed carrying a banner in the march. On March 19 Chief Ackroyd is reported as saying no disciplinary action against the officers is contemplated.

February 26, 1981

Aldermen David White and Pat Sheppard submit a report on the bathhouse raids to Toronto City Council. It recommended that the Attorney General initiate a public inquiry into the February 5 raids. On February 27, City Council adopted the motion by a vote of 11 to nine.

March 12, 1981

City Council votes unanimously to support Mayor Eggleton's call for a report on relations between the police and the gay community. Dr. Daniel Hill, the Mayor's Advisor on community and Race Relations was asked to head the report. Dr. Hill eventually declined.

April 22, 1981

Six men, including two residents of the United States, are charged with conspiracy to commit unlawful acts in connection with the February raids in Toronto bathhouses.

June 16, 1981

Police raid the Back Door Gym and the International Steam Bath, two gay bathhouses. Twenty-one men were arrested on bawdy-house charges.

June 20, 1981

Two thousand gay demonstrators march up Yonge Street to police headquarters on Jarvis Street to protest against the June 16 raids. Violence erupts following the demonstration.

July 13, 1981

The Mayor's recommendation to the Executive Committee of Council that Arnold Bruner be appointed to submit a report "recommending ways to bring about improved relations" between the police and the gay community was approved by Toronto City Council by a vote of 18 to three.

APPENDIX II

BRIEFS AND SUBMISSIONS TO THE STUDY OF RELATIONS BETWEEN THE HOMOSEXUAL COMMUNITY AND THE POLICE

The Canadian Civil Liberties Association

Coalition for Gay Rights in Ontario

The Corporation of the City of Toronto -

The Foundation for the Advancement of Canadian Transexuals -

Gay Asians of Toronto -

Gay Community Appeal of Toronto -

Gay Fathers of Toronto

Gays and Lesbians Against the Right Everywhere (GLARE) -

Lesbians Against the Right -

John M. Mills -

The Right To Privacy Committee -

Toronto Gay Patrol

The TRI-AID Charitable Foundation -

Lesbian And Gay History Group Of Toronto